



**AGRICULTURAL RESEARCH INSTITUTE**

**PUSA**







# LEGISLATIVE ASSEMBLY.

*Thursday, 4th March, 1926.*

The Assembly met in the Assembly Chamber at Eleven of the Clock, Mr. President in the Chair.

## MEMBERS SWORN:

Mr. Ernest Burdon, C.S.I., C.I.E., M.L.A. (Secretary, Army Department), and Mr. Panumbar Ragavendra Rau, M.L.A. (Finance Department: Nominated Official).

## MESSAGES FROM THE COUNCIL OF STATE.

**Secretary of the Assembly:** Sir, two Messages have been received from the Secretary of the Council of State. The first one is as follows:

"I am directed to inform you that the Council of State have, at their meeting held on the 2nd March, 1926, agreed without any amendment to the Bill to define and limit the powers of certain Courts in punishing contempts of courts, which was passed by the Legislative Assembly on the 8th February 1926."

The second Message is as follows:

"I am directed to inform you that the Council of State have, at their meeting held on the 3rd March, 1926, agreed without any amendment to the Bill further to amend the Indian Registration Act, 1908, which was passed by the Legislative Assembly on the 19th February, 1926".

## RESULT OF THE ELECTION FOR THE STANDING FINANCE COMMITTEE FOR RAILWAYS.

**Mr. President:** I have to announce that the following Members have been elected to serve on the Standing Finance Committee for Railways:

1. Khan Bahadur Saiyid Muhammad Ismail.
2. Lala Lajpat Rai.
3. Sir Darcy Lindsay.
4. Mr. E. F. Sykes.
5. Mr. Ambika Prasad Sinha.
6. Mr. Jamnadas M. Mehta.
7. Mr. M. Samiullah Khan.
8. Seth Kasturbhai Lalbhai.
9. Mr. K. Rama Aiyangar.
10. Maulvi Abul Kasem.
11. Maulvi Syed Murtuza Sahib Bahadur.

## THE TRANSFER OF PROPERTY (AMENDMENT) BILL.

### PRESENTATION OF THE REPORT OF THE SELECT COMMITTEE.

**Sir Hari Singh Gour** (Central Provinces Hindi Divisions: Non-Muhamadan): Sir, I beg to present the Report of the Select Committee on the Transfer of Property (Amendment) Bill.

## STATEMENT LAID ON THE TABLE.

**Mr. A. G. Clow** (Department of Industries and Labour: Nominated Official): Sir, I beg to lay on the table a statement of grievances placed before the Honourable Member in charge of the Department of Industries and Labour by the Deputations of Postal Unions in March, 1925, and of conclusions arrived at and action taken thereon.

*Statement of grievances placed before the Honourable Member in charge of the Department of Industries and Labour by the Deputations of Postal Unions in March 1925, and of conclusions arrived at and action taken thereon.*

**PART I.**—Grievances represented by the deputation of the All-India (including Burma) Postal and Railway Mail Service Union.

Serial No.	Subject.	Conclusions arrived at and action taken.
1	Pay and local allowances.	The existing rates of pay and allowances, as well as those proposed by the All-India Postal and Railway Mail Service Union, have been examined broadly. The conclusion arrived at is that there is no justification for the grant of what is known as the "minimum demand" of the Union. The existing rates of pay and allowances are, however, being examined in detail by comparison with the pay and allowances, as well as the duties and responsibilities, of other subordinate employees of Government serving in the same localities. In certain cases an improvement of the present rates of pay and allowances now allowed in the Postal Department, has been found to be fully justified; and provision has been made in the Budget of 1926-27 to introduce such improvement. Other cases are under examination.
2	Number of appointments above the time-scales including Inspectors.	The Union ask that 18 per cent. of the total number of appointments should be above the time-scales (i.e., in what are known as selection grades). The principle now followed by Government in the matter is based on a recommendation of the Postal Committee of 1920 and is that the number of appointments in the selection grades should depend upon the number of posts that carry special responsibilities. The matter has been further examined and the conclusion arrived at is that there is no justification for departing from the principle now in force. The question of additions to the posts to be provided for in the selection grades and of improvement of the present rates of pay and allowances of appointments in those grades is receiving separate consideration, though it is unlikely that any decision in this matter will be reached until the necessary improvement has been made in the rates of pay and allowances of the lower paid staff.
3	Allowances: (a) Outstation allowance to Railway Mail Service officials.	It is clear from paragraph 3, page 79, of their report that the Postal Committee of 1920, in fixing the rates of pay recommended by them for Railway Mail Service sorters, took into account the fact that "the duties of sorters of Railway Mail Service entail almost incessant travelling, frequent absence from home, the additional expenditure incidental thereto, for which travelling allowance is not granted, and work under trying physical conditions;" and the Union are not therefore correct in stating that the Committee failed to take note of these facts. The facts are not being overlooked in connection with the further examination of rates of pay of Railway Mail Service sorters.

Serial No.	Subject	Conclusions arrived at and action taken.
3	Allowances— <i>contd.</i>	
	(b) Double pay for Sunday and holiday work.	A certain amount of work on Sundays, and work on certain holidays, are necessary in the post offices, if no curtailment is to be made in the facilities now enjoyed by the public. Investigations are being made as to how far such work can be reduced to a minimum. The position was fully recognised in paragraphs 1, 3 and 7, pages 117 to 119, of the Report of the Postal Committee of 1920 and the rates of pay recommended by them for the postal subordinates allowed for these factors. As stated in paragraph 3, page 118, of that Report the casual leave admissible to the staff was increased some years ago to 20 days per annum to compensate them for the loss of holidays. Steps are being taken to make this concession effective; and with this object a provision of Rs. 1 lakh for postmen and postal menials has been made in the Budget of 1926-27.
3	(c) Grant of over-time allowance and pic-money.	The prescribed hours of work of a subordinate in the post office are eight per day and where there is a regular arrangement requiring or permitting a man to undertake work during any day which he cannot finish within the prescribed eight hours in accordance with the time tests in force, arrangements exist for the grant of over-time allowances. Investigations are being made to ascertain whether in general, or in particular offices, men are required to put in very much longer hours than the prescribed eight hours for which they are supposed to be on duty. The matter was dealt with in paragraph 6, page 119, of the Postal Committee's Report.
		Investigations recently made by the Director-General have indicated that no combined office circuit is eligible for pie-money under the rules laid down by Government. If any such circuit becomes eligible, it will be declared a pic-money circuit.
3	(d) Double duty allowances in certain cases.	Railway Mail Service officials already get double duty allowances to compensate them for encroachment on periods of rest. In August, 1925, the leave reserve in the Railway Mail Service was increased to 20 per cent. in India and 25 per cent. in Burma; and this increase should reduce the occasions on which a sorter will be required to perform a double duty.
3	(e) Monthly duty allowance to Superintendents, head clerks and town inspectors.	This item is being considered in connection with the question of improvement of pay and allowances of appointments above the time-scales (see item No. 2).
3	(f) Remuneration for work in connection with the delivery of foreign mails received on Sundays or on post office holidays.	An extra allowance is already paid in Bombay, Calcutta, Rangoon and Karachi where the staff is <i>specially</i> called up for work of sorting and delivery of English mails. To other places the remark against item 3 (b) applies.

Serial No.	Subject.	Conclusions arrived at and action taken.
3	Allowances— <i>conold.</i>	
	(g) Daily allowance for overseers, village postmen, etc., when out of headquarters.	Periodical absence from headquarters is a feature inherent in the condition of service of men of these classes. The question of affording relief in special cases is being examined along with the question of improvement of pay and allowances.
3	(h) Charge allowance to time-scale men for holding charge of an office.	There is no general case for the grant of such charge allowances.
4	Anomalies :	
	(a) Removal of fifty per cent. limit placed on the immediate improvement of pay on the introduction of the time-scale in 1920-21.	The decision complained of was based on a specific recommendation of the Postal Committee of 1920, which was made after full consideration of the arguments adduced by the Union. There is no sufficient justification for going back on that decision, and for revising the initial rates of pay fixed about six years ago. The practice of different Departments of the Central Government and of Provincial Governments in the matter has not been uniform.
4	(b) Counting of temporary and officiating service.	<p>The following concessions have recently been granted : —</p> <p>(1) All clerks who were in the telegraph training class on the 1st December, 1919, should be treated as on deputation with full pay from the 1st December, 1919, and the period spent in training from that date should count towards increment in the time-scale rates of pay.</p> <p>(2) Officials of the clerical class and inferior servants employed in post offices and in the Railway Mail Service, excluding runners and boy messengers, who held permanent appointments on the 30th June, 1922, have been allowed to count their officiating or temporary service followed without intermission by permanent service towards increment in their respective time-scales, on condition that the higher rate of pay would not be admissible as a result of these orders for any period prior to the 1st July, 1925.</p> <p>(3) <i>Real</i> interruptions of paid temporary or officiating service not exceeding seven days have been condoned for the purpose of counting such service towards increment in the time-scales.</p>
4	(c) Application of next-below rule in all cases.	<p>A comprehensive examination of individual cases of hardship is also being made.</p> <p>There is no justification for accepting the proposal of the Union in this matter. The principle mentioned by the Union that a junior should not get more pay than his senior has never been accepted by the Government of India.</p>

Serial No.	Subject.	Conclusions arrived at and action taken.
4	<i>Anomalies—contd.</i>	
	(d) Equalisation of Dead Letter Office and Railway Mail Service scale with that of the post office.	The Dead Letter Office scale has been equalised with that of the post office. The Railway Mail Service scale is under further examination.
4	(e) Inspectors and head clerks to have one increment for every year of past service.	There is no justification for revising the decision arrived at in this matter with reference to a recommendation of the Postal Committee of 1920.
5	Leave reserve of 25 per cent. for post office clerks and 30 per cent. for Railway Mail Service and Burma, and 10 per cent. for postmen and men in inferior service.	The leave reserve for sorters in the Railway Mail Service has been increased to 20 per cent. in India and 25 per cent. in Burma. A general arrangement has also been introduced provisionally permitting of the grant of leave on medical certificate, even if the total number of absentees may be in excess of the leave reserve.
6	Revision of time-test for post office and the Railway Mail Service, and introduction of time-test for Superintendents' office and Dead Letter Office.	The time-tests have been revised in recent years and the matter is being further looked into. It is not possible to introduce time-tests for Superintendents' offices. A time test has been recently adopted for the Dead Letter Offices.
7	Abolition of split duty.	Instructions have been issued to Postmasters-General, etc., to take vigorous action in the matter of reduction of split duties by an adjustment of duties and to submit reports by the end of November, 1926. When these reports are received, the matter will be further pursued.
8	Stoppage of reduction of Railway Mail Service sets.	The real grievance here is the inadequacy of staff. The Director-General has already taken steps to provide staff justified by the time-test, and a provision of Rs. 30,000 has been made in the Budget of 1926-27 for this purpose. The Director-General has also addressed heads of Railway Mail Service circles to see that sets are properly manned.
9	House-rent to be paid to sub-postmasters in towns where no quarters are provided.	A provision of Rs. 30,000 has been made in the Budget of 1926-27 to redress this grievance.
10	Accommodation in mail vans to be increased.	The matter is one which receives the constant attention of the Director-General and no special action appears to be called for.

Serial No.	Subject.	Conclusions arrived at and action taken.
11	All mail vans to be fitted with electric lights and fans.	Practically all mail vans are fitted with electric lights and fans, except over the Assam-Bengal Railway. In respect to this latter the matter has been taken up with the Railway authorities.
12	Postmen are not to be required to guard post offices at night.	Orders were issued by the Director-General in March, 1925, prohibiting any compulsion in the matter and placing the duty on a voluntary basis.
13	Postmen should be allowed to appear for the clerkship examination after five years of service.	The Director-General has granted this prayer and has made the necessary amendment to his rule.
14	Men in inferior service to have the same privilege as men in superior service with regard to leave and pension.	There is no justification for making any discrimination in this matter in favour of men employed in the Postal Department as compared with men in inferior service in other Departments of Government.
15	Packers and van peons to be provided for all post offices and the Railway Mail Service sections.	There is no justification for a general rule of the nature demanded. Packers and van peons are given by the Director-General where and as required.
16	(a) Restoration of peons to Inspectors of post offices.	It has been decided to restore peons to Inspectors of post offices; and a provision of Rs. 45,600 has been made on this account in the Budget of 1926-27.
	(b) Railway Mail Service Inspectors to be provided with orderly peons.	These officials were never provided with orderly peons and orderly peons are not required by them.
	(c) House-rent of Rs. 10 or accommodation for Inspector's office to be provided.	In regard to post office inspectors, the office rent allowance of Rs. 5 which they get at present, where no office accommodation is provided, is ordinarily sufficient. In cases where it is insufficient, increased allowances are sanctioned on a representation from heads of circles. In regard to Railway Mail Service inspectors it is not necessary to give them an office-rent allowance, as they are required to work at their head-quarters in the Railway Mail Service offices located at Railway stations.
17	Superintendents' head-clerks to be classed as second class officers for purpose of travelling allowance, like inspectors.	There is no real case for putting these officials into the second class for purposes of travelling allowance. Ordinarily they have no travelling to do.
18	Reduction of weight to be carried by postmen to 600 tollahs.	It is not possible to lay down any hard and fast rule on the subject. When a load for delivery is excessive or heavy, coolies are engaged to help the postmen.



Serial No.	Subject.	Conclusions arrived at and action taken.
19	Adequate warm clothing for officials below the clerical cadre and overcoats for officials on night duty.	Reports on the subject were called for from heads of circles. These have been received and the matter is now under examination.
20	Omission of words "and no such person shall be retained in the Department" from rule 17 of the Guarantee Fund Rules.	It has been decided to abolish the Guarantee Fund.
21	Indiscriminate house-search should be discouraged and personal searches of Railway Mail Service officials in station platforms before the public should be stopped.	In the matter of house-search, no interference with the police is possible. The Director-General has addressed Deputy Post-masters-General on the subject of avoiding publicity when personal search is necessary.
22	Abolition of periodical test sorting examination after ten years' service.	The matter has been examined and it has been decided that the examination cannot be abolished in the interests of the efficiency of the Department.
23	Municipal and other taxes not to be recovered from post masters occupying quarters provided for them.	The matter is under examination.
24	Baroda income-tax and income-tax in any Indian State to be compensated for by Government.	Orders have been issued to remedy this grievance.
25	Officials not to be kept in unhealthy and Frontier stations for more than a year.	Director-General has recently issued orders that no official should ordinarily be required to serve more than 12 months in a notoriously unhealthy office unless the official himself desires to remain there. In regard to Frontier stations, orders were issued in May, 1921, that an official who has served in such stations for a period of two years, should be given an option of a transfer.
26	Grant of all bank holidays to post office.	} See remarks against item 3(b).
27	Telegraph branch of combined offices to enjoy all postal holidays.	

Serial No.	Subject.	Conclusions arrived at and action taken.
28	Communication to officials concerned of adverse remarks recorded in character sheets.	The Director-General has issued orders that adverse remarks should be communicated to officials concerned. It has been decided to take no further action at present with regard to the other matters mentioned in this item of grievance.
29	Equipped tiffin rooms in offices having four or more clerks.	A provision of Rs. 45,000 has been made in the Budget for 1926-27 to provide equipped tiffin rooms in offices where they are most required.
30	Removal of age limit in cases of candidates appearing (a) for inspectorship and (b) signallers' examinations.	In regard to (a) a relaxation of the ordinary age limit of 35 is already permissible at the discretion of heads of circles. In regard to (b) it has been decided to extend the present age limit from 25 to 27 years; and heads of circles have been instructed accordingly. No further concessions are at present possible in the interest of the efficiency of the service.
31	Permission to the Union to represent individual cases.	It is not possible to permit the representation of the Union to supplant the ordinary machinery of appeal.
32	The period required by members to attend conference and meetings, to be considered as special leave, subject to a maximum.	The Union was asked to submit specific proposals. No such proposals have so far been received.
33	Revision of appeal system.	The present system is analogous to the system existing in other departments of Government. There is no justification for making any discrimination in the matter in the case of postal servants.
34	Circle advisory committee.	The Union was asked to submit a practical scheme on the subject, which is still awaited.
35	Postal and Railway Mail Service pensioners to be paid by the post office.	It is neither necessary nor desirable for the post office to undertake the duty of paying more pensions than it has already undertaken to pay. The matter does not constitute a grievance by the staff but a demand to impose another burden on a Department in which the staff complain of over-work.
36	Restrictions in granting leave on medical certificate.	The two points in the Director-General's circular on the subject, which were referred to by the Union in connection with this grievance, have since been met by the issue of a further circular.

**PART II.—Grievances represented by the deputation of the All-India Postmen and Lower Grade Staff Union.**

Serial No.	Subject.	Conclusions arrived at and action taken.
1	Uniforms and clothing, supply of overcoats, waterproof capes and umbrellas.	See remarks against item 19 of Part I.
2	Fixation of a suitable limit of weight for mails to be carried by postmen.	See remarks against item 18 of Part I.
3	Congestion in Simla postmen's quarters.	The matter is being investigated in consultation with the Postmaster-General, Punjab and North-West Frontier.
4	Reduction of work on holidays or grant of entire rest on holidays or on alternate Sundays.	See remark against item 3(b) of Part I.
5	Fixation of suitable hours of delivery with more regard to the convenience of the staff.	Without impairing the utility of the services rendered to the public by the Post Office, it is not desirable to fix any arbitrary hours. As far as possible the convenience of the delivery staff is duly considered.
6	Increase of the number of appointments open for postmen, e.g., by the creation of a III Division of clerks.	The matter is under consideration.
7	Grant of house-rent allowance of Rs. 5 to postmen in every union village in the Madras Presidency, and of a higher house rent allowance of Rs. 7 in Madras City.	The particular demand of the union does not appear to be wholly justified. The general question of providing accommodation, and house-rent allowance in lieu, to postmen, etc., is under consideration. A provision of Rs. 2½ lakhs for house-rent allowance and Rs. 1 lakh for accommodation for postmen and postal clerks has been made in the Budget for 1926-27.
8	Grant of "bhatta" allowance to village postmen when out on their beats.	See remarks against item 3 (g) of Part I.
9	Excessively long beats of village postmen in Garhwal.	The matter is being investigated in consultation with the Postmaster-General, United Provinces.
10	Difficulty in getting casual leave.	A provision of Rs. 1 lakh has been made in the Budget for 1926-27 to remedy this grievance as far as necessary.
11	Insufficiency of a number of postmen to do delivery work everywhere.	A provision of Rs. 1 lakh has been made in the Budget for 1926-27 to remove deficiencies wherever they are found to exist.
12	Provision of rest rooms for postmen in all large offices.	The matter is under consideration in consultation with Heads of Circles.

Serial No.	Subject.	Conclusions arrived at and action taken.
13	Paucity of overseer, sorting and reader postmen in Bombay City compared with the number of postmen.	The matter has been investigated and the conclusion has been arrived at that no increase in the number of sorting and reader postmen is at present required. The position in regard to overseers is under further investigation.
14	Revision of time-test or standards for determining the number of postmen required.	It is not feasible to lay down any hard-and-fast rule, except that of eight hours' work a day, as conditions vary enormously in different localities. The only real test is that of experience.
15	Sufficiency of postmen in Bombay with special reference to the Development Scheme.	See remark against item No. 11.
16	Substitution for pension of a Provident Fund.	The general question is receiving the consideration of the Government of India.
17	Unions to stand surety for postmen and lower grade officials from whom security is demanded.	No action is possible until the Trades Union Bill becomes law, and the unions referred to take advantage of its provisions.
18	Loss of house-rent during leave.	Grant of house-rent while on leave is governed by rule 7 of the Supplementary rules. No discrimination in favour of postal subordinates in the matter is possible.
19	Grant of house-rent to overseers.	It is not clear which class of "overseers" is meant—"mail overseers" or "overseer postmen". The former nowhere get house-rent allowance. The latter get the allowance in places where postmen get it.
20	Overseer postmen, reader postmen and sorting postmen to be placed on a separate scale of pay of their own.	The Postal Committee of 1920 expressed the opinion that in the case of these appointments it was preferable to sanction specified duty allowances rather than to have special rates of pay, the reasons being that such a system admits of selection of the best men regardless of seniority and of the removal without dismissal, degradation or stigma of men whom it is deemed desirable to revert to the regular line. The arrangement has worked well, and there is not sufficient justification for changing it.
21	Grant of house-rent at Jhelum and other expensive places in the Punjab and North-West Frontier and of higher house-rent at Lahore.	See remarks against item 7.
22	Difficulty experienced by village postmen in obtaining food and shelter when out on their beats even though they offer payment.	Heads of Circles have been instructed that if any proved instance of the kind comes to their notice they should address the Local Government asking them to bring pressure upon the Lambardars and the village Headmen concerned.

## GENERAL DISCUSSION OF THE BUDGET—PART II.

### FIRST STAGE.

**Mr. President:** The Assembly will now proceed with the general discussion of the Budget, Part II, first stage.

**Mr. Harchandrai Vishindas** (Sind: Non-Muhammadian): Sir, in the beginning I feel it my duty to mark my sense of appreciation of the very interesting budget speech that has been delivered by the Honourable the Finance Member and also of his judicious handling of the finances which has resulted in such a satisfactory surplus. To proceed to consider the Budget on its merits, there are features which are worthy of credit and others which cannot be passed over without adverse comment. But before I proceed to remark on the provisions of the Budget in their serial order, I propose to single out two passages in the budget speech. One is that which relates to the discoveries in Harappa and Mahenja-Daro; and I welcome the proposal of the Honourable the Finance Member to reserve a fund of fifty lakhs of rupees for this archæological work. I may tell Honourable Members that I come from the province in which Mahenja-Daro is situated and it is a matter of great gratification to be told that our civilisation dates as far back as 3,000 years ago, if not more. On that announcement I might say that I now refuse to believe that we are descended from monkeys, whether chimpanzee or orang-outang.

**Mr. K. Ahmed** (Rajshahi Division: Muhammadan Rural): What is the harm if you do admit it?

**Mr. Harchandrai Vishindas:** The other passage of which I propose to take notice is that glowing one in which the Honourable the Finance Member repudiates the idea that the acquisition and accumulation of wealth involve a sacrifice of spirituality. This was to be expected from an ardent student of theology who keeps aloof from the rabble of unbelievers; but I may inform him that as a matter of fact our ancient religion did not forbid the accumulation of wealth but encouraged it as calculated to serve . . .

(Here the Honourable Member broke off abruptly on receiving a message, and resumed his seat.)

**Rao Bahadur M. C. Naidu** (Burma: Non-European): Sir, I desire to say that this Budget is a great improvement on that of last year. (*Honourable Members on the Swarajist Benches:* "Say it, don't read it!") I wish to congratulate the Honourable the Finance Member . . .

**Mr. Devaki Prasad Sinha** (Chota Nagpur Division: Non-Muhammadian): On a point of order, Sir. The Standing Order says when a Member is called upon he should speak. I would like your ruling on this point, as the Honourable Member is reading.

**Mr. President:** I have heard the Honourable Member's point of order: there is nothing in it.

**Rao Bahadur M. C. Naidu:** I wish to congratulate the Honourable the Finance Member not only on his Budget this year but on all the great work he has put in for India since he assumed office. I am pleased to

[Rao Bahadur M. C. Naidu.]

learn that Burma is to receive a reduction in her contribution of 7 lakhs. It is comparatively considerably less than what was given last year, namely, 20 lakhs, but every little helps. While gratefully accepting the dole now given I trust it is but the earnest of further favours to come.

I may point out that the general principle of State policy in the case of surplus is that the claims of the general tax-payer should be first considered. But I find that the policy of the Government of India is not to turn their thoughts generally to the reduction of central taxation till the provincial contributions have been wholly extinguished. I say with great respect to the Honourable the Finance Member that it is a policy which is liable to be seriously questioned not only in this House but in the country at large; and I venture to suggest that a policy of utilising surpluses partly to reduce the provincial contributions and partly to reduce central taxation would meet with more general approval than the present policy which entails the total extinction of provincial contributions before any reduction in central taxation can be taken in hand.

Regarding military expenditure one would imagine that the Army was a hobby of the Honourable the Finance Member and of His Excellency the Commander-in-Chief and that we had no neighbours at all who would be likely to give trouble. But we must take the geographical position of the country into account and remember that if calls are made on the Army, say, from the North-West Frontier at any time and it is not able to meet them, the first people to criticise the Army administration would be those who object to the amount of the present expenditure. Reductions in Army expenditure have been very large. It is hoped that, in the desire for further reduction, retrenchment will not be allowed to pass the bounds of prudence and safety.

Turning to the Posts and Telegraphs, it is asserted that in case postal rates are reduced, the increase in correspondence and the increase in the sale of postcards alone will justify such reduction. But I regret to find that working expenses have risen much in the same proportion as the receipts, so that the estimated profit is reduced to vanishing point. That of course is a distinct argument against reduction of postal rates. Unless the Post Office can be run at a profit, a reduction in the postal rates cannot be looked for. Having regard to present conditions I agree with the Honourable the Finance Member when he stated the other day in his speech introducing the Budget for 1926-27:

"There is in my view no probability whatever of a return to pre-war rates for letters and postcards except at the cost of a heavy and steadily increasing subsidy from the pocket of the tax-payer."

However, I would suggest that some consideration might be paid to the complaints of postal employees, and I would ask the Honourable Member in charge of the Department to consider whether he could not see his way to improving the pay of the subordinate service generally.

Industries will not be developed in the way they should be, if the development is going to be handicapped by high rates of super-tax and income-tax. I feel quite certain that the Honourable the Finance Member recognizes this important point, and that he will give it his attention as soon as he possibly can.

I shall now deal with items more particularly affecting Burma. Burma last year contributed 15 per cent. of the Customs revenue. This contribution will have been considerably increased by now as a result of the amendment of the customs laws which has enabled Burma to levy customs dues on imports through her land frontiers. In addition, Burma contributes 9 per cent. of the revenue derived from Taxes on Income, and 5 per cent. of the revenue from Salt. The revenue derived from the sale of opium must be considerable. In addition to this, it is estimated that money order remittances from Burma to India amount to nearly 6 crores per annum. These remittances constitute a considerable drain on the money in circulation in Burma to the benefit of India. The rice export duty, amounting roughly to one crore of rupees, annually accrues to central revenues from Burma. Having regard to the enormous amount of money which comes into India from Burma, Burma is deserving of specially sympathetic treatment at the hands of the Central Government.

I may state that there is considerable soreness in Burma in connection with steel duties; first because she was not excluded from the operation of the Act that imposed them, and secondly because her request that the amount collected in enhanced duties on steel imported into Burma might be handed over to her, has been refused. I am given to understand that the Government of India were sympathetic to Burma's claim for exclusion, but the sympathy does not show any sign of taking a material form.

I submit that Burma's financial position is therefore worthy of immediate consideration. I suggest that a suitable manner of disposing of the surplus reserved against misadventures or disappointments, if any, would be to allocate it to Burma, and I would further suggest the complete cancellation of Burma's contribution to the Central Government.

Not only with regard to the items already mentioned, such as military expenditure, etc., but even with regard to such items as Indianization, Exchange, Currency, etc., which are all recurring songs of this House, has dissatisfaction been expressed. In all cases where these feelings are founded on reasonable grounds, I trust that the Government of India's attitude will be as sympathetic as it has been in regard to the cotton excise, so that those who feel they have some complaint and even those who doubt the *bona fides* of the British rule, may be in a position to say that this rule has been for the benefit of India, and that its sole object in the future will be the interests of India.

Sir, I end as I began my speech. I wish the Honourable the Finance Member every success during the coming year.

**Colonel J. D. Crawford** (Bengal: European): Sir, I too would like to pay my tribute of praise to the Honourable the Finance Member on the very satisfactory state of India's finances which this year's Budget has disclosed. I think we must all admit that the happy weather conditions which we have had during the past two years have contributed largely to that happy result. But we also have to admit that his own work has done very much to bring about this very excellent result.

The Budget is framed with a very real courage, for in two years we have wiped off for ever over 4½ crores of provincial contributions, and 1½ crores of cotton excise duty. It needs a good deal of courage to exclude those from your revenues; and noting this courage of the Honourable the Finance

[Colonel J. D. Crawford.]

Member, I wonder if he will not also show a little more courage and do something to reduce the heavy customs duties from which the country is now suffering. Last year he brought in a reduction of two annas a gallon on petrol, and he was justified in doing so by the added receipts he got last year. In pressing for a reduction of the customs duties on necessities, I feel that there is some necessity for a general reconsideration of what are luxuries. In particular I press for a reduction of the customs duties on necessary clothing, cheap motor cars, patent medicines and tinned foodstuffs. I believe that if the Finance Member would give serious consideration to this question he will find that his revenues will not decrease but will increase; and so far as clothing is concerned I am more or less certain that there is a very considerable amount of smuggling now going on owing to the very high rates of duties.

With regard to the motor car, I have during the past year travelled over a large part of India and through many mofussil districts. Everywhere the motor car and the motor bus is coming into general use for transportation purposes and is helping to develop and educate the country, and the lorry also is coming into more general use for the purposes of commerce. But it has struck me how those who are running taxis and busses in the mofussil can ever make them a paying proposition. Some of the roads over which I have travelled are in an absolutely disgraceful condition. Once when I was travelling down in Southern India one hundred miles on a particular stretch was like a corrugated iron roof and I had a raw patch on my back by the time I had done that hundred miles, and I cannot understand how any motor traffic on roads like that can ever pay the promoters of those businesses. I welcome the suggestion which is included in the Taxation Inquiry Committee's Report that customs duties should be reduced in order that revenue from motor cars may be allotted to the development and upkeep of our roads. I trust, Sir, that the Finance Member will give very serious consideration to this question of high customs duties, because not only does it raise the prices of imported articles but it also raises the prices of clothing manufactured in this country, and whilst we are giving away the tax-payers' money in protection for essential industries and in relief to cotton millowners, I would like to raise a voice on behalf of the ordinary tax-payer that he too should get some relief in this matter of taxation. I feel fairly certain that a reduction, as I say, will lead to increase and not a decrease in our customs revenue.

And now, Sir, I would like to turn on this occasion to a discussion of the military Budget and military policy. There are several features of interest which have occurred during the year that are worth noting. The first was the very excellent manœuvres which were carried out this year by the Army at Rawalpindi, manœuvres which I understand were excessively instructive and exceedingly economical. In fact, I understand that they were far more instructive than the manœuvres which were held in England and infinitely less costly. While we congratulate the Army Department on keeping down the cost of these manœuvres and the cost of the military expenditure, I trust that this is not done at the expense of the pocket of the officer. I was travelling up by train with officers who were ordered as judges and umpires on these manœuvres and I was surprised to find that they are not treated in regard to travelling allowances with the same liberality as they are treated when on ordinary duty, and that in many



cases they are actually out of pocket in performing their duty. I would like also to refer to the despatch on the operations carried out by the Royal Air Force in Waziristan. It is a matter of considerable interest to note that these operations which were carried out by the Air Force were successful, and I would have liked to know what the actual cost of those operations was compared with the operations carried out by the regular army on previous occasions. It is a matter of considerable interest to us to know what is the cheapest form of defence and to see whether our Air Force needs development still more than it has been developed up to date. We, I think, in India, are lucky in that particularly we have a Defence Ministry, and therefore the jealousies between the various services of defence are not so likely to arise in this country as in England, and we would like to see our defence developed in the most economical and efficient manner that is possible. The Honourable the Finance Member the other day, I think, said that he was in favour of "military insurance at a minimum cost." That is a motto with which we would all be in sympathy provided he says that the insurance should be adequate. The last great war showed us how in Great Britain, at least, we have been burdened with very heavy taxation, because in peace time the tax-payer and the Government were not prepared to pay an adequate insurance, and want to be perfectly certain that our military insurance is adequate and efficient. I notice in his budget speech he alluded to the fact that "60 lakhs of rupees were to be granted for new urgent measures mainly of a non-recurring nature for the purchase of new equipment." Surely, Sir, our military services should not suddenly like this have to come to us for new equipment. Is it not then true that they have been deprived of their normal supplies of equipment and that therefore our army has not been properly equipped? I believe that not only have they not had enough equipment at all times, but in regard to "mobility" they are far from what should be the efficient standard. If we want to get any reduction in our military insurance, there is only one method by which you can get it, and that is to eliminate some of the risks against which you are insuring. And here again you come back to that old question of our frontier policy.

Another matter of considerable interest is the vindication which we have received concerning our policy in regard to Waziristan. Only last month, I think it was, that the Maliks of the Mahsuds and Wazirs entertained the Chief Commissioner to a garden party in their country, a sure sign that some of our troubles in that direction are over. I am one of those that believe that until we administer and fulfil our responsibilities to the people within our borders right up to our borders with Afghanistan, we shall not be able to make any material reduction in our military insurance . . . .

**Pandit Shamlal Nehru** (Meerut Division: Non-Muhammadan Rural): May I know what you mean by we?

**Colonel J. D. Crawford**: I mean the country.

**Mr. President**: I was told that the Honourable Members on that side had decided not to take any part in the discussion to-day.

**Pandit Shamlal Nehru**: You were wrongly informed, Sir, I never said so.

**Colonel J. D. Crawford:** That, I feel, is the policy that should be pursued by the House as a whole. I am one of those who think that in associating the peoples of the North West Frontier with their own Local Government lies a great opportunity for building up the strength of our frontier and in getting them on our side and eventually helping us to reduce our expenditure on military insurance. I urge on the House that we should continue this policy which is appearing to be successful, for there is little hope of any real reduction in our military expenditure until we find a satisfactory solution to the frontier problem.

**Mr. W. F. Hudson** (Bombay: Nominated Official): Sir, I rise for the first, and I hope the last time this Session, to make a few remarks, not, I fear, entirely favourable on this Budget. Seeing that I shall probably spend the whole of next week trying to persuade Honourable Members on all sides of the House to vote for every item in the Budget and every clause of the Finance Bill, it may seem a little curious that I should now propose to offer what I, at any rate, consider as decidedly damaging criticism. But the House will understand that on this occasion I am speaking as the representative of the Government of Bombay; and that the Government of Bombay finds this Budget a disappointing one, not so much for what it contains as for what it omits. Sometimes I feel, Sir, that probably no one has so much reason to be grateful for the re-arrangement of the seating in this House as my Honourable friend the Finance Member. In days gone by, as he doubtless well remembers, he was always confronted by a solid phalanx of able Bombay financiers, second to none, in capacity, in eloquence and in critical alertness. Sir Basil Blackett could hardly flicker an eyelid, much less quote a figure, without evoking a protest from Sir Purshotamdas Thakurdas or Sir Montagu Webb, or inviting the well directed criticism of Sir Chimanlal Setalvad or Mr. Jamnadas Mehta. They differed widely among themselves, that stalwart band of Bombay experts, on most subjects, but on this they were united, that the financial policy of the Government of India, though unsound in many respects, was most unsound of all in its treatment of Bombay. Well, Sir, owing to the exigencies of the party system, the phalanx is no longer there. Only Mr. Jamnadas Mehta remains, and rumour has it that, owing to circumstances over which he has no control, even he may not be with us next week. But, Sir, though under the new arrangements the Bombay Members have been scattered to the four corners of the House, and although some of us, like myself, have been undeservedly relegated to the back Benches, yet we are none the less united in heart on this question, and we hope to make our fire none the less effective though it will perhaps be less concentrated than it was in years gone by.

Now, Sir, let me begin by acknowledging the good things in the Budget before I pass on to less agreeable topics. Coming as I do from the Province of Sind and knowing the rich promise of the excavations at Mahenja-Daro, I heartily welcome the proposal to create an Indian Archaeological Fund, a proposal which, I am sure, will commend itself to all Members of this House who are genuinely interested in the history and archaeology of this country. Then, in the second place, we in Bombay are of course extremely glad that it is proposed to bury the cotton excise duty for ever, and we are specially grateful to the Governor-General for the exercise in this regard of the special power so wisely vested in him by the Constitution. I understand that the power of issuing Ordinances is not one which commands the entire approval of Honourable Members opposite, but I am sure my friend

Mr. Jamnadas Mehta, if he were here, would agree with me that the exercise of this power last December was a real godsend to Bombay. And I look forward with confidence to Mr. Jamnadas Mehta, if he is still here, accompanying me into the lobby when the time comes to confirm the Governor-General's action.

But, Sir, although the abolition of the cotton excise duty undoubtedly benefits the great mill industry of Bombay, and will, we all fervently hope, contribute to a marked revival of trade, it must not be forgotten that it brings no revenues (at any rate directly) to the coffers of the Government of Bombay. Sir Basil Blackett will doubtless get his reward in an increase in Income-tax, but the Government of Bombay will get absolutely nothing unless the Income-tax goes above a figure which is almost impossible at the present time and which has not been reached since 1921-22. This Budget cannot but be a disappointment to us in Bombay, and that for two reasons. The first is, of course, that we still get no reduction in our provincial contribution of Rs. 56 lakhs. It is true that last year we did get a crumb that fell from the rich man's table and we were duly grateful for it.

**The Honourable Sir Basil Blackett** (Finance Member) Were you?

**Mr. W. F. Hudson:** Yes, Sir, I expressed our gratitude in the House last year. But this year, though the rich man seems to be richer than ever we do not even get a crumb. It is also true that this year the total amount of the provincial contributions is being considerably reduced, and we may begin to hope that one day we too may come within sight of the Promised Land. But, we cannot run an up-to-date and progressive Presidency on hopes, and whereas last year we budgeted for a deficit of Rs. 40 lakhs, we are this year in the still more uncomfortable position of being obliged to budget for a deficit of Rs. 60 lakhs. In other words, if our provincial contribution was entirely remitted we should only just be able to pay our way, and in these circumstances we fail to see why we should not at any rate for once, be given the "most-favoured-nation" treatment which has for 5 years been accorded to the province of Bengal. As the Bengal Government has never paid a pie of its contribution, Members from that Province have probably quite forgotten how much it was. So I take leave to remind them that their contribution was fixed at Rs. 63 lakhs, which is much the same as for Bombay. I do not of course know what my Honourable and eloquent friend from Bengal is going to say on this subject. Perhaps like a wise man he will lie low and say nothing (though this is not the way of Irishmen), but I do remember listening to the elaborate case put up by Mr. Marr last year, and after reading it again I do not think that any impartial man can see any sound reason for treating Bengal more favourably than Bombay. These two provinces are in financial difficulties for much the same causes—mainly causes beyond their control—and if the Government of India come to the rescue of the one year after year, it is surely not too much to ask them occasionally to come to the rescue of the other.

But, Sir, even if the Honourable the Finance Member could see his way to remitting the Rs. 56 lakhs this year, and even if the provincial contributions were wiped out altogether, as we all hope they soon will be, our complaint against the whole financial system would remain, and herein lies the main disappointment of the budget speech to us, that it gives no indication that the Government of India are any more alive to the inequities

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of the Meston Settlement than they were five years ago. Sir, I am as tired of talking about the Meston Settlement as Sir Basil Blackett is of hearing about it.

**The Honourable Sir Basil Blackett:** I am not.

**Mr. W. F. Hudson:** But I am afraid that unless we can see more obvious indications, of what is known in political circles as a "change of heart", are apparent in the budget speech, the Bombay Members will be obliged to go on talking about it. I am not going to repeat to the House the elaborate figures which Sir Chimanlal Setalvad and I gave it last year. But two things have happened since last year to which I will invite the attention of the House and of the Government of India. First of all, the figures for the past year continue to prove what we have always urged, that the Meston estimates of the expansion of the Bombay provincial revenues were so utterly wide of the mark as to be useless as a basis of calculation. During the first year and the second year of the Settlement we were told to be patient and that all would come right in the end. But the actual results are that every year we get further and further below the estimate. The past year has been no exception to the rule and I will venture to give the House the figures for this, the fifth year of the operation of the Meston Settlement. The Meston Committee estimated that in the fifth year, i.e., this year, our provincial revenues would have increased by Rs. 290 lakhs over the basic figure for 1920-21. As a matter of fact, in the fifth year, the actual revenue, under the main heads referred to, was Rs. 48 lakhs below the basic figure; that is to say, very nearly 350 lakhs below what they told us we could expect, and in the five years since 1921 the total revenues of Bombay under the main heads have been 12 crores less than the Meston Committee said we could reasonably anticipate.

**The Honourable Sir Basil Blackett:** Will the Honourable Member give the figures under each head year by year?

**Mr. W. F. Hudson:** An elaborate statement like that would take a very long time. (*An Honourable Member:* "Give it in the lobby".) Land Revenue, Excise, and Stamps are the three main heads. I will give the Honourable the Finance Member the figures afterwards. (*Mr. K. Ahmed:* "There is no other speaker, Sir.") As I said, we are 12 crores down, and I will ask the House to pause and consider what it means to a Local Government to lose 12 crores—how many high hopes shattered, how many splendid schemes deferred, how many schools and hospitals starved. Can any one be surprised that in season and out of season we are bound to go on pressing for a revision of this inequitable settlement, based as it was on such unhappy guess-work and producing in Bombay such unhappy results.

The second thing that has happened in the past year is that that eminent and industrious body of experts, the Taxation Inquiry Committee, has been looking rather closely into this question. I am sure that every Member in this House has read from cover to cover the interesting little volume of 450 pages which was the result of their labours and I will not waste the time of the House by quoting from it. But it is quite clear that they at any rate have been duly impressed by the fact that the allocation of the Income-tax to the Central Government and the

land tax to the Provincial Government presses unfairly on those provinces in which industries predominate. It is also clear that they have realised that Devolution Rule 15, which was intended to alleviate those inequalities, has conspicuously failed to do so. The Taxation Committee was specifically instructed that it was not their business to revise the Meston Settlement, and we cannot, therefore, be surprised that they made no concrete proposals. But we do hope that their lucid examination of this question will receive the very early and earnest consideration of the Government of India.

To sum up, Sir, the case for re-opening the Meston Award was quite a strong one in 1922, when it was first debated in this House; it was much stronger last year, and it is strongest of all to-day. Sir Basil Blackett has set many things right in our financial system since he took charge of his high office, and we in Bombay are full of hope that before he presents his last Budget he will tackle this burning question. I well remember his predecessor in 1922 warning us that we in Bombay, and I think in Bengal at the same time, were very ill-advised to seek a re-opening of the award, as the chances were that, if it was re-opened, the Government of India would get more than they had already got and that our last state would be worse than our first. Sir, convinced as we were of the soundness of our case, we were ready and eager then to take the risk. We are still more eager now. And the question which I wish to put to the Honourable the Finance Member in all seriousness is this: Are the Government of India equally ready?

**Nawab Sir Sahibzada Abdul Qaiyum** (North-West Frontier Province: Nominated Non-Official): Sir, my friend, Colonel Crawford's remark about the North West Frontier Province has given me an opportunity to say something on the subject. The problem of the North West Frontier has not attracted as much attention of this House as it deserves. It is only mentioned at budget time and on very few other occasions. But I think that it is a problem which should be seriously considered by this House once for all. The Frontier Province, as everybody knows, is composed of two classes of people, those living in the settled districts and those living across the border in the tribal area. As regards the settled districts, the question of the extension of reforms to them was before the House the other day and may possibly come up again, but as regards the trans-border area, i.e., the tribal area, the question is still a sort of sealed book to the House. My connection with the tribal area dates back a very long time and I think I can say something on the subject from my personal experience. The British Government have been doing all that is possible in tackling the problem. Expeditions after expeditions have been sent to that area to punish those found guilty of raiding or committing other serious offences in the settled districts or in the protected areas. That has cost India a lot of money. But there is another side of the question which to my knowledge has never been seriously considered and that is how to bring about a more peaceful life in that country. It has been occasionally suggested that effective power or control should be extended right up to the Durand Line. That is called the forward policy. I do not think I need say much on that point except this that if you extend your effective control up to that line you will not come across a more peaceful neighbour but will get for your neighbours people who will be as troublesome as your present neighbours in the tribal area are.

[Nawab Sir Sahibzada Abdul Qaiyum.]

It will not also be an easy thing to extend effective control up to that line. The House may perhaps know that there is a population of half a million armed men, good fighting people, in those regions and a very huge expenditure will be required to bring about a real and effective subjugation of that population. You will have to disarm them first, and when that is done you will have to educate them and enable them to find peaceful methods of earning their livelihood and then, say half a century later, they will be demanding reforms, I should think, and will perhaps be experiencing the same difficulty in getting them, as is being experienced by us in the settled districts! The forward policy has lost its value in more than one way, which need not be enumerated here and I do not think that the extension of an effective control in that area will be wise. As regards the close border policy, that is, withdrawing from that area altogether and finding a sort of natural border between the settled districts and the tribal area, that, again, is a question which cannot be raised so late in the day. We have extended our responsibilities and committed ourselves to certain undertakings in the tribal area and we cannot in honour withdraw from that area and do away with those responsibilities. I think the present state of affairs does not justify the withdrawal of our agencies from those areas altogether. We have to make the best of the present position. In war time there is always the fear that if a change of policy is made it will be attributed to the weakness of the British Government, but now luckily we have a fairly peaceful time on the Frontier and things are as quiet and as peaceful as they can possibly be under the present circumstances. I therefore consider that this is the best time for introducing a new policy, for introducing a new experiment, something different from what we have been doing in the past. That experiment, to my mind, is worth trying and it is the experiment of extending education in that area.

**Baba Ujagar Singh Bedi** (Punjab: Landholders): The Honourable Member probably means by introducing reforms.

**Nawab Sir Sahibzada Abdul Qaiyum**: I do not mean reforms but only education, not the ordinary school education, the literacy or book reading test, or the test of passing examinations and getting degrees, but some practical system of education by which the people will not only learn the peaceful ways of settling their disputes and earning their livelihood but also of becoming good neighbours and friendly allies.

**Baba Ujagar Singh Bedi**: Better affiliate that Province with the Punjab.

**Nawab Sir Sahibzada Abdul Qaiyum**: The Punjab I am sorry to say does not set a very good example before us just now.

**Baba Ujagar Singh Bedi**: You were already part and parcel of the Punjab. Since the separation things have not improved in the North West Frontier Province.

**Nawab Sir Sahibzada Abdul Qaiyum**: The Punjabis are quarrelling very much among themselves and have their daggers drawn at each other's throats and we do not want to associate ourselves with them.

**Baba Ujagar Singh Bedi:** Then you want the same sort of reforms which have been the genesis of strife and feud in the Punjab and other provinces.

**Nawab Sir Sahibzada Abdul Qaiyum:** My Honourable friend is perhaps mistaken that I am trying to get the reforms extended to the tribal area.

**Baba Ujagar Singh Bedi:** I have nothing to say for the tribal area since I am neither a Warden of the Marches nor do I hold a brief for them.

**Nawab Sir Sahibzada Abdul Qaiyum:** I did not mean the extension of the reforms but the extension of some sort of education by which they may learn to live peacefully among themselves and earn their living. That education is practicable. Instead of wasting or spending money on keeping a very large number of troops among them and raising militias for the purpose, if we only spend the cost of one militia corps on imparting practical education to these people I am sure that will do them a lot of good. I need not go into details as to what form those measures should take but I mean something like the opening of new waterways, new canals and new agricultural lands in their own country. They have got plenty of waterways and plenty of waste land and if they can be given expert opinion and some financial help, they may be able to find means of living peacefully.

**Diwan Bahadur T. Rangachariar** (Madras City: Non-Muhammadian Urban): Are they independent tribes or are they our subjects?

**Nawab Sir Sahibzada Abdul Qaiyum:** That is a question which I wanted to avoid, but since my friend has brought it in, I should like to put that very question to the Government Members here to answer. My own idea of the problem is that if they are within the British sphere of influence, as we call it, and if the boundaries of the Indian Empire extend to the Durand Line, then whether we can apply the words "British subjects" to them or not, India is responsible for the welfare of those people. If you are not inclined to include them within your sphere of influence, you may as well say so and get rid of them. You will be really breaking some solemn promises which you have made to them, while I am not sure if they will be very sorry to be freer still. However, as they are at present, they have to be looked after and their interests have to be considered to some extent. As I was going to say, large sums are spent on them. On a rough calculation, since 1919, something like 40 crores have been spent in operations in Waziristan alone and large numbers of troops have been employed there. Things have been fairly quiet there for sometime but there is no guarantee of their being quiet for ever. With these arms and ammunition in their possession you cannot expect them to be always so peaceful. You must devise some more permanent means of bringing them to peace, than the ordinary scimitar that you hold over their heads and of keeping them in subjection with the use of arms. Spend the interest on these 40 crores, say 2 crores, on these people and you will have found some permanent remedy for the disease. When the Maharaja of Mysore came on a visit to the Khyber, I had to take him up the Pass to Landi Kotal and the first question he put to me was what we were going to do for these people. I referred to the allowances we were paying, to the labour we were providing and to the other means of earning a livelihood that we were finding for them. He said that these were only temporary measures and asked how we were going to find a more permanent solution of

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the question. Any man who goes up there will put you the same question. You have been appointing commissions for this and for that, but you have never thought of appointing a commission to investigate and inquire into this most important question. Consult the people on the spot and arrive at a definite decision on the question and formulate a permanent policy for this Frontier. You have not even got an official reference book on the subject and, as I have said before, it is a somewhat closed door policy there. These people are something like a millstone hanging round your neck and you have never thought of finding a solution for removing that heavy burden from the shoulders of the tax-payer. Unless you do that you will find this sword ever hanging over your heads and it will be continually putting you to enormous expense. I hope you are not keeping that area as a sort of training ground for the Indian Army. I do not believe that is the idea either of the Government or yourself, i.e., that you should keep certain people armed in order to train your army in mountain warfare or trans-border warfare. If you really want to do them good and if you really mean to do so, the best solution will be to educate them by some missionary and propaganda work. You need not necessarily open new schools for them but should teach them in some manner how to settle their disputes among themselves by arbitration or by their old *jirga* system, and earn their livelihood by peaceful methods, of course, always keeping behind the force that will be necessary to support the verdict of the majority. It is not good for a great civilised power to sit next door to them and see them fighting among themselves. You cannot shut your eyes to that state of affairs on your border. You howl in this House when a small riot takes place in which one or two people are killed and a few injured, but only next door to you, armies across the border are fighting among themselves and killing one another by hundreds and thousands and you never shed a single tear over the miserable plight of these people. It is inhuman and if you are not really bound to them by any agreements, conventions or treaties, even then as neighbours and civilised neighbours, it is your bounden duty to give them assistance in every way. My advice to you will be to find some money for expenditure, not for raising militias and armies in that country, not even necessarily for spending it through the official agency, but to provide, by private means, an organisation for sending instructors and teachers there, not only to teach them the elementary science of writing and reading but also to give them some technical education and bring them to a sense of good citizenship and good neighbourhood and this will help you more than anything else, in relieving the tax-payer of the heavy burden of expenditure on these frontier expeditions and you will have earned the gratitude of the suffering humanity of the frontier.

**Dr. S. K. Datta** (Nominated Indian Christians): Sir, now for a period of nearly two and a half years I have represented a particular interest in this House. I do not think, Sir, that I have intruded on the notice of this House—and I felt justified in not doing so—the particular interests of my community. Sir, I have said on other occasions that the community to which I belong may be classified among the great consuming communities of India. We have been drawn from all classes but particularly from the oppressed and depressed classes of this country and the movement which has made my community—and the community is increasing approximately at the rate of a million every ten years—shows that deep down there must be unrest, the unrest that comes

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from not having the things of this world. The community hopes that its problems can be solved by educating themselves better, by making themselves prepared for the wider life of the country. Now, Sir, to a community of this kind what is of the greatest importance? Food, clothing, housing, education—those are the things that matter above all to them. We look with anxiety at experiments in this House to raise the cost of living. The experiments, the economic experiments, for which this House is responsible seem to make it more difficult for communities such as ours to establish themselves. What have we done in the last two years under the advice and guidance of the Honourable the Commerce Member? We have increased taxation under the head of Customs by something like 2 crores and 10 lakhs. Out of those 2 crores and 10 lakhs we pay to particular interests something like 130 lakhs in bounties. Now, I do not ask that we should go back on these experiments in Protection but I merely desire to place before this House the anxiety with which we as a community look into the future, to the increased cost of living due to an increase in our customs and an increase in our tariffs. Policies such as these are bound in the long run to have a retarding influence on the progress of those communities which do not get adequate representation—I do not mean in numbers—but whose voices are so rarely heard in a House such as this. Now, Sir, this is a matter of primary importance. We believe that we ought to keep down the prices of food. Some of us have opposed the raising of the salt tax. We desire that the salt tax should come down lower; in the second place, Sir, burdens like the income-tax whose incidence on communities such as ours is particularly heavy. Last year I made the suggestion that at least the first Rs. 2,000 of all incomes should be free from income-tax. If a man gets Rs. 5,000, let him pay income-tax on Rs. 3,000. We ask that the first Rs. 2,000 should be free of all income-tax. Sir, with regard to our tariffs, I fear it is impossible, I know my ideas will be greeted with contumely in this House, but I wish we could get rid of the Tariff Board. I do believe that the Tariff Board is a direct incitement to certain minute but powerful groups to ask for particular favours. We have initiated a policy of protection; let us wait for the next 7 years to see how that particular policy and the present experiments under it are going to work out—we are not at all sure how it is going to work out—and when we are sure that the experiments have been successful let us then and only then go forward; but until then we should undertake that as far as possible we shall not make any further experiments in this particular policy.

Now, Sir, there is another matter to which I desire to make reference. It concerns a comparatively small matter of 33 lakhs which appears in our budget under the head of the Ecclesiastical Establishment. Now, Sir, in 1924 the expenditure on the Ecclesiastical Establishment in India was 24 lakhs of rupees. In 1925-26 the revised estimates were 30 lakhs of rupees, and I see to-day in the demands we are asked for 33 lakhs. I do not quite know why there has been this increase in expenditure, whether it is due to a sudden accession of religious virtue among the European Christian servants of the crown, or whether more money is necessary to soften the stony ground of their hearts in which the good seed may find root. But whatever it is, I desire to know why there has been this increase of expenditure. In the second place we have certain very definite recommendations from the Retrenchment Committee with regard to the ecclesiastical expenditure. Have those recommendations been carried out? We would

[Dr. S. K. Datta.]

like to have more information about that also. We were told that certain chaplains of the Anglican Church and certain chaplains on the Scottish establishment should be reduced. Have those Establishments been reduced? Further, there are certain general considerations regarding the Ecclesiastical Department to which I shall refer. I am told that Government have, and quite rightly, said that they have a duty to the Army in India. Now religion in the Army is part of the programme of discipline; whether it should or should not be is another matter, but there it is, and if we are going to have an Army apparently a certain modicum of religion must be put into it, and Government say they desire to make provision for that. Well, we accept that. Let us pass on to the European Christian servants of the Crown, to whom apparently Government are responsible for providing religious ministrations. Government have however undertaken even wider responsibilities. They provide religious ministrations for the ordinary European civilian population and in places where the people themselves can afford to pay for them. For example in the city of Calcutta we have several churches. Some of the churches are dependent on the bounty of the European community, particularly the unestablished Scotch churches. I happen to be a member of one. Now our church pays its minister; it pays another minister to look after the spiritual welfare of European crews on the ships in harbour; it further pays a contribution towards the spiritual ministrations to the Scottish people working in mills on the Hooghly. All that the church does it pays for itself. In addition it employs a Tamil minister for a Madras Christian Congregation in Calcutta. All this comes out of the pockets of those people who are supporters of that church; and yet you go to the Cathedral at Calcutta—a congregation far richer, far more able to support their ministration—and what do you see? From the Chaplain in charge down to the *mali*, I think, all comes from the State.

**The Honourable Sir Basil Blackett:** No.

**Dr. S. K. Datta:** Is the *mali* denied his wages by the State or the chaplain in charge? Well, Sir, that is a matter which I feel ought to be investigated. There are places where savings, and big savings, can be made in the Ecclesiastical Establishment. There is further another question, a question of fundamental principle to which I feel I must refer. There are roughly 100,000 European members of the Anglican Church in India; in addition there are 30,000 Anglo-Indians of the Anglican Church in India; and there are 400,000 Indian members of the Anglican Church in India. In other words, Indians in the Anglican Church number more than the other communities put together. Now, Sir, I turn to the Government of India Act, to which I hope I will never refer again when the matter of Ecclesiastical Establishments are being discussed in this House. The Act lays down that the Bishop of Calcutta is the Metropolitan in India, "subject nevertheless to the general superintendence and revision of the Archbishop of Canterbury" (section 115, sub-clause (2) of the Government of India Act). Now, Sir, with regard to this particular section of the Government of India Act, what does it mean? It means that you have placed the control of a Church which is overwhelmingly Indian under an authority completely outside India and in fact under secular authority. There is no ecclesiastical freedom. You cannot consecrate a Bishop without the permission of the Crown. Every Ecclesiastic authority in India desires

a change but we have no indication what changes the Government of India are proposing.

**An Honourable Member:** Support it.

**Dr. S. K. Datta:** Every Bishop in India is compelled to take an oath of allegiance to the Crown. I say that the whole theory of this is ancient and antiquated and I may say unfaithful to the early church. The Anglican Episcopate in India was founded under the Charter Act of 1813. It included in the Ecclesiastical Province of Calcutta the whole of India, the whole of the Cape of Good Hope, and the whole of Australia. Now what happened to that enormous diocese? It was broken up. The Cape of Good Hope became ecclesiastically free, and Australia also became free. Ceylon also became free, all these places broke off and became free, and still 113 years afterwards we in India continue, almost as we did in the year 1813. Sir, I would like to know from the Government of India what changes in the status of the Anglican Church they propose to recommend to Parliament. We are told that there will be a change. When is that change coming? We want to know about that change. Somebody mentioned the Indian Church Measure. That is immaterial to this discussion which concerns certain sections in the Government of India Act. The Indian Church Measure is immaterial to this discussion.

**The Honourable Sir Basil Blackett:** Why?

**Dr. S. K. Datta:** Because we simply ask for freedom for the Anglican Church.

**The Honourable Sir Basil Blackett:** I thought you were saying "immaterial to the Budget".

**Dr. S. K. Datta:** I did not say "immaterial to the Budget". Sir, these are some of the matters to which I direct the attention of the Government. It is not possible for us to press these matters at a later stage, the ecclesiastical expenditure is non-votable. But I do hope that we will be enlightened regarding the future of the Ecclesiastical Establishment in India.

**Captain Ajab Khan (Punjab: Nominated Non-Official):** Sir, the dead silence on the opposite Benches persuades me to get up and make a short speech, as we know that when they are in the field, we have no chance of coming forward. I must congratulate the Honourable the Finance Member on the sound position of Indian finances. The avoidance of debt, the surplus, the reduction of the provincial contributions, all these stand highly to his credit. Sir, the army expenditure, which has been so often complained of as being very high, is I think quite safe in the hands of His Excellency the Commander-in-Chief, who takes such great pains in efficiently maintaining the army; and every pie that is spent on the Army is to the advantage of India. But one thing, Sir, I hope His Excellency will kindly look into and it is this that in the Indian Army Service Corps there was some Indian element introduced of late, and I hope that that Indian element will be expanded and increased instead of being done out of it. Then with regard to the number of Indian cadets that are sent to Sandhurst every year from India by His Excellency, I hope His Excellency will consider the desirability of increasing that number, as we have been for the last four or five years stationary at

[Captain Ajab Khan.]

that number of ten, and even those ten have never been sent in full. Sir, I heard from my friend, Colonel Crawford, and there was a hint in the Finance Member's speech too, that they wanted to reduce the import duty on petrol which is a luxury for the rich. But we want other things to be improved with this money rather than to decrease the finances. I refer to the want of communications in the rural areas, where we can hardly get a track to ride a horse to get to our villages. The second point is that the postal services in the rural areas have remained stationary since 40 years back. The rates of postage have been increased, Sir, but we have got no better services than we did 40 years ago. I used to be a school boy 40 years ago, and then I used to get my post twice a week. I am still getting it twice a week in the villages; so I do not know how to appreciate the very satisfactory annual reports of the Postal Department about so many parcels having been carried and the service having been made efficient. I do not know how that can apply to the postal service in rural areas, and I hope the Honourable Member in charge of Posts and Telegraphs will take the case of the rural areas into consideration and improve the postal services in the rural areas as well. With regard to the contributions from the provinces, I see that Bengal is really fortunate in the shape of having a permanent settlement, whereas in the Punjab and in the other provinces we always have periodical settlements and the land revenue is increased by 20 or 30 per cent. and some times more. Still, when it comes to the wiping off of the provincial contributions, we do not get equal treatment with Bengal. I wish to commend the case of the Punjab very strongly, Sir, because in the Great War the Punjab was the foremost province for offering a large number of recruits for military services to the Government in time of need, but with all that, we are not better off than any of the other provinces. I will say a word in the end on the reforms for the Frontier Province (Laughter), about which there is so much agitation in that province that most of the Members I think and the Foreign Secretary will be getting volumes of correspondence from the people, and even those few who were said to be against the grant of reforms have thrown in their lot with those who are asking for reforms, and I do not think that any pretence of the so-called oppression of the "minority" by the "majority" will keep back the Government from giving the over due reforms to the Province. With these remarks, Sir, I close my speech.

**His Excellency the Commander-in-Chief:** Sir, it is with considerable diffidence and hesitation that I rise to take part in this debate, for I realise that having been brought up among soldiers and having never been fed on figures, I cannot hope to intervene in a budget discussion with any real advantage. The Honourable the Finance Member also has given us such complete information regarding the military estimates that I feel that there is no necessity for me to enter into any details regarding them, and as a matter of fact, Sir, there really is not anything of great interest which I can tell the House at the present moment, because during this last year our military policy has remained unchanged and the whole current of military affairs has run smoothly. As we know on either side of India this has not been the case. Strife has taken place—strife and discord; and in contrast to that, we in India have been able to carry out our wishes regarding economic reforms undeterred by military activities. We all of us know very well from our experience of the East that it is impossible to tell how long that state of affairs may last, whilst we must also realise

how quickly troubles beyond our borders may react upon us here in India, and it will never do for us to allow ourselves to be lulled into a state of false security.

I would like to say as regards the Frontier that I agree with the remarks which just fell from Colonel Crawford in attributing the comparative peace which has taken place within our border to the proved success of our Waziristan policy. (Applause.) I feel that it is a result of that policy that raiding into our settled districts has more or less entirely ceased, a matter which, I am sure, Honourable Members will all agree is as satisfactory as it is remarkable. I may mention that our recurring expenditure in Waziristan has continued to decrease, while the conditions in which our troops are housed—they are housed only to a certain extent still—but the general conditions under which they are living, have sufficiently improved to enable us to rather modify the concessions which have been granted to the troops serving in Waziristan.

The Honourable the Finance Member told us that the last of the definite recommendations made by the Inchcape Committee has been carried out, the third of the British cavalry regiments having left India during the present trooping season without being relieved. He also told us that the military Budget, which stood at 87½ crores in the year 1920-21, has now been reduced to less than 55 crores in the year 1926-27; but there is another figure to which I would like to make a reference when I mention those particular figures, and that is the figure of 50 crores, to which I find allusion made both in the papers and in speeches as the limit at which military expenditure should stand. What I would like to say in this connection is, that that figure was mentioned by Lord Inchcape as a possible maximum for military expenditure, but my distinguished predecessor, the late Lord Rawlinson, after great experience as Commander-in-Chief, not only found himself unable to accept that figure—and I would like to say here how very gracefully, I think, the Finance Member referred to the efforts made by Lord Rawlinson to reduce expenditure (Applause), I can assure the Finance Member that the Army generally is grateful for the words he used regarding our late Chief—Lord Rawlinson, however, not only found himself unable to accept 50 crores as the figure to which military expenditure might hope to fall in the near future, but further than that, he placed on record the fact that he considered, that when the revenues of India were capable of granting further aid to military estimates, that items which he reluctantly had to reduce, should be restored to the military Budget; also I think possibly all Honourable Members do not realise, that Lord Inchcape when mentioning 50 crores as the maximum of military expenditure, definitely stated that he realised that Government could not expect to reach that figure, unless there was a definite fall in prices, and no such fall has taken place. Further, the Inchcape Committee also stated that they did not consider that we could reduce our estimates to 50 crores unless there was a further reduction in troops and they were unable to make any such recommendation. I think therefore that we may take that recommendation about 50 crores as a pious aspiration or, to use a word which I do not quite know why, but has become popular of late, a “gesture” towards decrease of expenditure. In saying that, Sir, I trust Honourable Members will not jump to the conclusion that I do not wish to see military expenditure reduced. I think there is often a general idea that all military men are spendthrifts and profligates. I would assure you that that is not the case. We are taxpayers as you are. We, military men, have many ambitions, but

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never have I come across one, whose ambition is to pay higher taxes than are inevitable; while every one of us wish to share with our fellow-citizens in reaping all the advantages of improvements in our economic life, and such advantages as may be brought about in the general state of living by the allocating to civil purposes of funds which now are necessary for military purposes. As a matter of fact we get down to the fact that one has to decide what is the minimum premium one has to pay for our national insurance.

It is certainly well to keep before us a definite figure as an ambition which we may hope to achieve in time, and for that purpose I think we might recognise 50 crores. I should like however to point out that it does not seem possible to reach that figure in the near future. Let me again emphasise the fact that we have reduced our military expenditure by 32 crores during the last six years.

I personally, Sir, am constantly looking around to see where reductions can be made, but I feel that I should be failing in my duty were I ever to make a recommendation for the same, either at the risk of the safety of India or at the expense of the well-being, the efficiency and good health of our men. (Applause.)

I wonder if the House realises that pressure is so often brought to increase our military expenditure, pressure which appeals to me possibly more than to most people, due to my very long friendship with men in the Indian Army. Only a day or two ago I happened to be inspecting in the New Cantonment, and as is my custom, after inspecting the Regiment, I got all the Indian officers together to sit down with me. I asked them to open their hearts and to tell me what was in their thoughts, what were their wants and if the shoe was pinching anywhere. When I do that, I often see a brightening of the eyes, and almost hear a whisper going round:

“*Monasib moca again.*”

“Here is the chance. What can we get out of the General Sahib, or the Jungi Lat Sahib?” On this occasion a young Muhamminadan officer got up and said to me: “*Gharib nawaz, ham loge bahut sal se apka nimak khate hain, aur teen char push se, Sirkari fauj ki nokri karte hain. Is sabab se ham bilkul gharib ho gai, aur ropea bilkul nahin jama kar sake.*” I asked him what he had in mind when he said that nearly all of them had large families and as they found themselves unable to save anything during their military service, they felt it was up to Government to give free rations not only to themselves but to their wives and families. Out of the corner of my eye I could see the old Subadar Major making vehement signs to him to keep quiet, but as I had gone there to hear what they had in their minds, I refused to let him be silenced. He then went on enlarging upon the difficulties they had in making the two ends meet. I am afraid I was not able to give him much comfort. I could only say with regard to the grievance of large families, that possibly if they had smaller families the difficulties would certainly be less. As regards giving them free rations, as that would come up to the cost of maintaining several regiments in rations, I feared they would have to wait till the Greek Kalends, before the Sirkar could become a philanthropic society to that extent. Then an old pensioned daffadar of the cavalry got up and he said to me “*Sahib, I retired some years ago on a pension of Rs. 84 a year. Lately my District Board have come down upon me and assessed*

me Rs. 4 for 'Hisiyat' tax." I must say that it struck me as very hard that his poor little pension of Rs. 7 a month should come under the evil eye of the tax collector and 5 annas a month be deducted from him. As a matter of fact, I understand that it is not the intention of the Local Governments that such incomes should be taxed and I am representing this case in the hope that it will receive sympathetic consideration.

The House may possibly care, Sir, to hear roughly what reductions have been made of late years. Before the war we had out here 9 British cavalry regiments. They have now been reduced to 5. Before the war we had 52 British Indian battalions which have now been reduced to 45. We had 11 batteries of Royal Horse Artillery before the war, which have now been reduced to 4. In the Indian Army we had 39 cavalry regiments which have now been reduced to 21. We had 126 battalions of Indian infantry exclusive of Pioneers which have now been reduced to 100 in India. Hardly a month goes by, when I do not receive representations and petitions from many classes of men whom we were able to recruit in days gone by, but who now either go unrepresented or have very fewer opportunities. Only quite recently I have had representations from the Mohials, Khatri Sikhs, Gujars, Gour and Kahuta Brahmans, Sayads, Janjhas and others, and as when these representations are made to me they often come from men who have served with me, or men whose fathers and even grandfathers have served under me, you can realise with what deep regret I have been unable to hold out hopes for them. I have only been able to point out that, by the grace of God, we were victorious in the last war, and, having been so, it is naturally impossible for us or for any other Government to go on keeping up the large army we used to have, and to expend the enormous sums that we did for military purposes, when we require every penny we can lay our hands on for the general advancement of the country economically. I must say that my remarks have not always given much comfort to them. As a matter of fact, we have in view still further reductions. Honourable Members possibly may not realise the fact that we have serving outside 6 battalions which are being maintained at the expense of the Imperial Government. As each of these battalions returns to India without being replaced, we have to reduce a battalion from the Indian army. We are now making a commencement with this in that we have come to the conclusion that it is possible to reduce the battalion, a portion of which we have up to now had in the Persian Gulf. We find that we can efficiently provide these detachments at a much less cost by consular guards. On return of these detachments to the headquarters of the battalion, that battalion will be demobilised. On the return of the next battalion from Iraq without relief, another battalion will be demobilised, and concurrently with it, a training battalion, which means a definite saving in the army Budget.

There is one other quite small item of expenditure which has been affected and which, I think, the House would like to hear. Last year we found, owing to the great efforts made by our medical and regimental officers, admissions to hospitals from malaria were reduced by 9,200 men, giving a definite saving of Rs. 1,03,000. I am sure that Honourable Members will realise that there can be no form of saving which is better than that, showing, as it does, such a devotion to duty of all concerned. Personally, as an old soldier I sometimes hesitate to talk much about that, because I know from personal experience how very often, in spite of all our efforts, we suddenly get a very bad malarial year. Do what we can.



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malaria continues. On such occasions I have ridden out from cantonments to villages 10 or 12 miles off to see how the villages are getting on. On all such occasions I have found the villages decimated with fever and the civil hospitals full to overflow. Talking about hospitals, brings me to barracks. I feel sure that there is no Member in this House who does not wish to see our men housed in as good barracks as we can possibly manage to get for them. When I look back and realise what the accommodation in most of our Indian lines was when I first joined the Indian army 40 years ago, I do indeed rejoice to see the state they are in now owing to a great extent to the efforts and determination made by the great chief under whom I had the privilege to serve 25 years ago, Lord Kitchener. Though a great many of our barracks are quite satisfactory, there are still a considerable number of them which are far from it. I believe I am right in saying that the whole moral self-respect and efficiency of men depend very much upon their surroundings. You will not get heroes if you give them hovels. I believe that if we can provide really good accommodation for all our men we shall raise their whole standard of life, and let us hope that when these men go back to their villages in large numbers yearly, they will also do their utmost to see that the standard of village life is also raised, and thus they will become good citizens of India generally. To provide for the reconstruction of the most insanitary and worst barracks we are allocating 20 lakhs for the next few years from sums which we have accumulated in suspense account by the sale of military lands and buildings which were no longer necessary for military purposes, and therefore we are not throwing any increased burden on our current revenues on that account.

Honourable Members are aware that last year we had a Committee sitting under the presidency of Sir John Shea, the Adjutant-General, to go into the whole question of the Auxiliary and Territorial Forces. I am sorry to say that we have not yet been able to come to definite conclusions regarding the Report of the Committee, as there has had to be a great deal of correspondence backwards and forwards with the Local Governments, and the Secretary of State has also had to be addressed. When however we do come to definite conclusions, I am hoping that we shall be able to carry out a considerable number of the recommendations made by that Committee. If further sums are required to improve the efficiency of these forces beyond what we have in the Budget, I am certain that I shall be able to appeal to my Honourable friend the Finance Member to allocate further sums, if necessary.

There is another Committee which is now sitting and the daily accounts of which we see in the papers. I mean the Skeen Committee. As the matter, however, is *sub judice*, I will not refer to it now.

I turn to one other subject, namely, the Royal Indian Navy, regarding which I had the privilege of making a statement in this House a few days ago. Since then Honourable Members would have had time, I think, to study the report on which the scheme is based and I trust they may have been able to come to the conclusion that the recommendations are sound and, on the whole, practical. But what I would like to emphasise now is the fact, which I hope Honourable Members do realise, that patience—I might say infinite patience—will be required before we can possibly hope to see an effective Indian National Navy in being. Let us remember that you cannot make a navy in a day or in a year or in a few years, and the



eventual success of this measure will lie in the hands of the people of India. I feel I am right in saying that no nation can hope to create a really good, efficient and successful naval force unless its people possess what I would call a "sea-sense". Some people and some nations seem to have that sense indigenous in them, or perhaps I ought to say it has become indigenous owing to generations of seafaring men among them. Other nations seem to be without this essential sea-sense. We know that out here we have on our Western and Eastern coasts a large number of seafaring men, men who have proved themselves to be staunch, brave and skilful sailors, who have proved themselves as such both in the old Indian Navy and now in the Indian Marine and the mercantile service. But this class of men is apparently almost devoid of education, higher education certainly, nor do they seem to have any ambitions to become educated. Our success however as regards a navy must, to a great extent, depend upon whether we shall get the right class of young men to come forward and subject themselves to the education, the training and the discipline which is necessary to form that character which is essential in naval officers. I feel there is going to be a great burden of responsibility on the leaders of Indian thought and Indian society in making the necessary efforts, and in exerting themselves to see that the right class of young men will come forward, and prove that they are capable of providing officers for a navy which will do honour to this country. As regards expenditure, we hope that the recurring expenditure will not be much in excess, for some years to come, of that which we now have to undertake to keep up our Royal Indian Marine. As regards initial expenditure, as Honorable Members will remember, a few years ago we sold the Kidderpore Docks in Calcutta, the money obtained from which was placed in suspense account, and we hope that what is available from that account will go a very long way to meet the initial expense in the purchase of ships for the Indian Navy.

There is only one more subject which I wish to mention before I sit down, and that is, I would like Members who do not realise it, and others outside this House to know, especially those who cavil at what they regard as the excessive military Budget, the fact that the military estimates have to bear a considerable number of items which one cannot regard as items of true military value, or value for defence purposes. Some of these have only been transferred of late years to the military estimates to place them on a commercial basis; some of them represent items which in other countries are not included in their military expenditure, while some of them represent money which comes back to Government under other heads. I realise that expenditure on the items I have mentioned has to be incurred, but I would like to emphasize the fact that as far as purely defence purposes go these items might be removed from our estimates. The items I have in view are these:

Transportation, Post and Telegraph charges, the great majority of which are returned to Government through the Railways	160 lakhs.
Audit and Accounts charges for the Army	108 "
Special war pensions, which at Home are borne by the Ministry of Pensions and not by the Army	110 "
Customs duty	25 "
Stationery	12½ "
Territorial Force	28 "
Reduction	9 "

In mentioning that last figure, what I mostly have in mind are the Prince of Wales College at Dehra Dun and the King George's Military

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Schools which have recently been established at Jullundur and at Jhelum. I believe that those colleges are well administered and well organised in the interests of India by the Army authorities, and I am therefore quite prepared to continue to undertake the responsibility for them and to assure the House that we will look after them to the very best of our powers; but I think it is only fair that we should be given credit for the fact that the whole of our expenditure is not unproductive and that some of it at all events is of real national value to this country, but quite apart from the necessities of military defence. Only recently I had the opportunity of inspecting these two schools recently established at Jhelum and Jullundur. The former, as you probably know, is entirely for Mussalmans and the latter mostly for Sikhs, Dogras and Punjabi Hindus. We hope to have something like 300 boys at each of these schools. At present—they were only established last autumn—we have about 80 boys varying from 10 to 15 years of age. The orphans are admitted free; others we charge Rs. 7-8-0 a month, and we provide them with free uniform, free clothing and bedding and free food. In my round of the schools I was delighted with what I saw. I do not think you would wish to come across a more delightful, well set-up, happy lot of boys, sharp intelligent children who would do credit to anybody and warm any soldier's heart or any father's heart to see. If Honourable Members will do us the honour of visiting those schools, I can assure them we shall welcome them gladly, and welcome any criticisms they may have to make in regard to them.

Sir, I have detained the House much longer than I anticipated, but even then, it has naturally been impossible for me to go into all military details of interest, and I should like to say, if there are any Honourable Members present who would like to meet me individually or collectively, I shall be glad to meet them and to do anything I can to give them all the information I possibly can.

**Mr. H. G. Cocke** (Bombay: European): Sir, I am sure we are all very much indebted to His Excellency the Commander-in-Chief for coming down to this House to-day and giving us some very important information with reference to the Army. I only want to make one or two remarks on the subject of the military estimates, and they are these. His Excellency compared the expenditure figure of 87 crores in 1920-21 with the figure of 55 crores at which we have arrived to-day. The House will remember that the year 1920-21 contained military expenditure of an active nature, and I think, Sir, the real comparison that this House has to make is between the following year, 1921-22, when expenditure was in the neighbourhood of 70 crores, and the present day figure of 55 crores. Leaving out the special items, which the Finance Member separated for us, we have to remember that in the last four years, taking the ordinary establishment charges of the Army, the reduction has been gradual and satisfactory, the figures being:

56½ crores in 1923-24,

56 crores (nearly) in 1924-25,

55½ crores in 1925-26, and

a budget estimate for next year of 54½ crores.

There is one other matter in connection with the military Budget. There is another committee to which His Excellency

did not refer, and that is the committee called the Army Accounts Committee. The name sounds very uninteresting, but the subject that committee is going into is somewhat important. Members may know that this subject has created considerable controversy in England,—controversy as to whether each unit of the Army should take a financial interest in its affairs and watch the cost of its upkeep. The Lawrence Committee was formed and decided that that should be done, and a so-called system of cost accounts was carried out for, I think, about two years. Since the present Government came in that policy has been reversed and considerable criticism has resulted. To some extent the system is to be retained; certain units are still to keep accounts and find out what they are really costing the State, but ordinary regiments are not to do so. The matter is to go before the Public Accounts Committee in England and I hope the decision to do away with the cost system so far as regiments are concerned will be reversed. Now this is a subject which I believe the Army Accounts Committee is going into in India and I, as one connected with business and not as a soldier, consider that it is very essential that each army unit should have some knowledge of what it is costing from month to month and that it should keep some accounts to enable comparisons to be made between different units and, as a result, to ensure economy.

Sir, I am sorry we have had no fire from the opposite Benches. I am sure His Excellency would much have preferred to have replied to some of the criticisms which might be expected to come from them, but I understood from one interruption that an Honourable Member was going to speak at considerable length later on. Sir, I think in discussing Budgets, we are always inclined to look at one year and not to go back. We have, and very rightly, congratulated the Finance Member on the results disclosed this year. But if one makes a short review of the last 12 years one is reminded that we have had 7 deficit Budgets as against 5 surplus Budgets and that our deficits in those 7 years totalled over 100 crores against the surplus Budgets of 5 years totalling 32 crores.

The Post Office and postal rates is generally a very fruitful topic of discussion in this House and I see already on the paper an amendment of our postal rates. That subject has been very much thrashed out lately and I do not wish to refer to it further except to say that it is somewhat disinal to find that the profit of 17½ lakhs during the current year 1925-26 is expected to become a loss in 1926-27 of nearly 10 lakhs due to increased expenditure and increased interest charges.

Another subject which we have not heard mentioned to-day, or hardly heard mentioned, is the cotton excise duty and I am sure we all very much regret that that subject has been removed from these discussions; no one more so than the Finance Member himself. We shall have to find some other grievance because it would be quite impossible to carry on these debates without some star grievance of that nature.

Colonel Crawford referred to the customs duty on motor cars and tyres, and so forth, and has stated that he considers that those are necessities, which they really are, and that the 30 per cent. duty should not be retained. I cannot help thinking that that is one of the first items which should be reconsidered in connection with the reorganisation of the tariff. because although the yield from both the import duty on cars and tyres has gone up very largely in the 3 years from 1922-23 to 1925-26—in the

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case of cars I see it has risen by 100 per cent. and in the case of tyres by 50 per cent.—yet nevertheless it seems to me that that increase might have been very much more had the duty been less; and one has always got to remember that the consumption of petrol and the duty thereon is going up every year with the increased use of motor cars. Motor cars are not luxuries and the poor—I do not say the very poor but the lower middle-class—are using them more and more every year.

I welcome the remarks which fell from my Honourable friend Mr. Hudson and I do not wish to go over the ground of provincial contributions again; but I should like to say that I hope that, because we have now made a start in reducing provincial contributions, it will not be assumed that that is enough, and that we can go on for the next few years until they are eliminated without considering further the revision of the basis of the contributions. It seems to me the settlement, which is known as the Meston Settlement, was made with very unsatisfactory materials to go upon. It is a settlement which no Province ought to wish to stand by, if the material on which the settlement was based has proved absolutely illusory, and I would suggest that it ought to be possible to get an independent reconsideration of this question. If the Province from which I come, Bombay, is treated more harshly than some others it is because, we believe, the material on which that settlement was based was unreliable and the conditions abnormal, and the result is a settlement which is most inequitable and ought not to be allowed to continue, even though the contributions have started to be reduced.

On the question of income-tax, I pointed out a year ago that there was a very heavy tax on the man who converted his business into a private company. Incidentally I should like to mention that a number of points made in the discussion last year were not replied to by Government. Everyone was rather weary on the second day of the general discussion and the Finance Member did not make a very long speech. I pointed out then that the private trader with a capital of 3 lakhs paid Rs. 39,000 in super-tax and if he converted his business into a company he paid Rs. 51,000. In other words, he had to pay Rs. 12,000 more per annum for the luxury of having his business as a limited company, assuming that he distributed the whole of his profits. I notice from the report of the Taxation Inquiry Committee that they do not take up this point at all beyond saying that the first Rs. 50,000 of profits which is allowed to companies to be free of super-tax should no longer be free, thus making the grievance rather more noticeable. It seems to me bad in principle that limited companies should be subjected to super-tax to such an extent in excess of the individual. The corporation profits tax has been done away with in England as being inequitable, and I think it is very unfortunate that it cannot be done away with here. Unfortunately the Taxation Inquiry Committee do not approve of the suggestion that super-tax on companies profits should be done away with. Reference was made last year to the question of the small trader escaping income-tax. I do not know whether the Finance Member can give us any figures to show to what extent small traders, who are believed to come within the income-tax limit, do pay income-tax, and to what extent they fill up their forms, and to what extent they are taxed summarily: whether these assessments from year to year are sufficiently expanded. If a man continues to omit to give figures or

accounts, the usual procedure is that he is assessed at a round figure and he has to pay that sum unless he can produce accounts and prove his assessment is excessive. A year later it may be essential that that assessment figure should be increased, and this process will go on until in the end, if you increase it sufficiently, he will be bound to produce accounts, and only in that way you can be sure that the revenue is not suffering.

Sir, the policy of the present Finance Member with reference to the Reduction and Avoidance of Debt is very well known, and I think it is one of the chief subjects of congratulation to him. Very great progress has been made during his regime with reference to this subject. I notice that the unproductive debt in proportion to the total debt is decreasing—the percentage has steadily gone down during the last four years from 28.9 to 23 per cent., which is a very material reduction. While these debt figures are all very interesting, I still maintain that it will be equally, or even more, interesting to know where that productive debt has gone. That again is a complaint against Government accounts as compared with commercial accounts. Take an item like furniture, which incidentally is not purchased out of debt at all but out of revenue. Year after year we are spending many lakhs on furniture; there is no cumulative figure given in our accounts to show what the expenditure on furniture has amounted to. As regards expenditure from productive debt, you are putting up irrigation works and so on; but there is no balance sheet figure and you cannot find what is the total expenditure under any particular head. We have not made very much progress in our commercialisation yet; of course it is a long road; but I thought we had passed the day when the Finance Member in his Budget speech would refer to a Balance Sheet, when what he was really referring to was no Balance Sheet at all, but figures setting out merely the revenue and expenditure and the surplus for the year . . . .

**The Honourable Sir Basil Blackett:** That is my Balance Sheet for the year.

**Mr. H. G. Cocke:** If the Honourable Member will kindly look at Murray's Oxford Dictionary in the Library he will find that a Balance Sheet is a statement of assets and liabilities.

**The Honourable Sir Basil Blackett:** That is in a company, but not in a Government.

**Mr. H. G. Cocke:** In the case of a Government we have not yet got a Balance Sheet unfortunately; but we hope that the day is not very far, and I believe in time public opinion will demand something more than what we get now in the shape of a commercialised Balance Sheet, not merely for Railways but for all departments of Government, to show really where the productive debt has gone.

There is one further point that I should like to allude to. I notice that the yield from postal certificates has gone up very steadily  
 1 P.M. in the last four years from 3 crores to 6½ crores, but that in 1926-27 only 4 crores are anticipated. I believe this is due to the fact that we have reached the fifth year, and possibly heavier repayments are expected in connection with the certificates taken out five years ago. But in view of the statement in the budget speech that it is intended to popularise these and make them more purchased by the community at

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large, I should be interested to know why a smaller yield is expected next year. I believe very much more could be done to make the sale of postal certificates popular. One suggestion I made last year, and which has not been adopted, was that the monthly figures of the various provinces should be published. During the war, an impetus was given to subscriptions to war loans by inter-provincial competition, and I should like to see every month in the newspapers a statement showing what has been the yield from each province in the preceding month. Postal certificates have encouraged a considerable amount of thrift in this country, but I think there is scope for very much more. I suggest to the Honourable the Finance Member in connection with his new scheme that he might perhaps get an aeroplane placed at his disposal by His Excellency the Commander-in-Chief and go round the country and have, not a War Loan Week, but a Postal Certificate Week, and make many speeches to induce large subscriptions to these new postal certificates.

I congratulate the Honourable the Finance Member on his Budget, which is an excellent and a sound one, and I hope that we shall have many more Budgets equally sound. But I hope also that it will be possible, instead allowing this continual criticism of the scheme of provincial contributions to go on until they are eliminated, that the matter will be taken up by an expert and independent committee which no one could say was influenced in favour of one province or another.

**The Honourable Sir Basil Blackett:** Sir, I realised when I introduced my Budget that it was a good one, but I did not realise that it had such devastating beauty that it was going to render every one on the Swaraj and Independent Benches speechless. Sir, I remember a story of an American and his wife who left their grown up family at home and travelled round the world. They went through Japan and China and the Straits Settlements and arrived in India. Even in America the lady had been talkative, but she was still more talkative on their travels. At last they came to Agra and saw the Taj Mahal, and the American sent a telegram home to his children saying, "Taj wins, Ma dumb". That, I think, Sir, is what my Budget has done.

**Mr. M. V. Abhyankar** (Nagpur Division: Non-Muhammadan): Do not forget that the Taj is a tomb.

**The Honourable Sir Basil Blackett:** The speech that I have to make to-day is therefore considerably simplified. I can imagine in other circumstances that there would have been a good deal more criticism than has reached my ears to-day. I thank those Members who have spoken and who have been kind enough to say kind things about me. There is very little left, after doing that, and after the speech of His Excellency on the military Budget, for me to answer. But I will endeavour to go through the various points that have been raised. I will deal first, while I remember them, with the points made by the last speaker, Mr. Cocke, who, as usual, gave a very interesting address, for which I am really grateful. He told us that in the case of cash certificates we could do more in the way of securing publicity by some inter-provincial competition. We did, as a matter of fact, in response to his suggestion last year, publish last October rather a full statement showing the contributions towards what we get from cash certificates province by province for a considerable

period. What I understand Mr. Cocke desires is that we should go a step further and publish these monthly and have a sort of monthly competition for our young people, which I think will be very useful indeed, and which I shall be very glad to follow up so far as it may prove possible. There are, I know, difficulties about getting these figures at all reasonably in time. As regards the figure that we have put into the Budget this year, it is very much the same figure as we put into our estimate of receipts last year. But in the event the income was greater than we anticipated. But this year I think we are bound to anticipate some falling off in the net receipts both on account of the increase in repayments, which to some extent we must look for, but still more in view of the fact that we contemplate reducing the yield. It will probably not very greatly affect the receipts, but we may probably reduce the total yield and we are bound to be cautious in our estimate. I would point out that these figures are part of our ways and means estimate and are not to be taken as so closely exact as some other figures.

Mr. Cocke always objects to my use of the word "balance sheet" but I believe that it is perfectly correct to use the word "balance sheet" of our Government accounts. It is not necessarily a commercial balance sheet and I dispute the claim of a chartered accountant to reserve the word "balance sheet" only for some balance sheet in accordance with the meaning in chartered accounting. But that is not, I think, a very serious point.

We have had a speech from Dr. Datta which need not, I think, be dealt with by me at any great length since I am dealing with the Budget, because he wandered off into rather different subjects. I may tell him, however, that there has been no increase in our expenditure on Ecclesiastical Services. On the contrary, there has been some definite decrease since the Incheape Committee Report and we have been following up to the best of our ability the recommendations of the Incheape Committee in that matter. It is largely due to the inclusion of expenditure in England under the same vote as the ecclesiastical expenditure, instead of under a separate vote, that the increased figure shown in the estimates arises.

Mr. Cocke also asked, I understand, about our productive debt. If he will look at the Finance and Revenue Accounts of the Government for 1924-25, recently published—Statement 82B—he will find set out there the total debt on the 31st March, 1925, and the total amount debited to each of the commercial departments. The productive debt is there set out under Railways, Posts and Telegraphs, Irrigation, Forest, Salt and Industries and very full statistics are given. Unfortunately, they are not quite so clear as they might be owing to the fact that exchange is included at 2s. But the figures are given there and if Mr. Cocke is interested, he can read them.

Mr. Hudson spoke for Bombay and other Members have spoken on the position of Bombay and on the question of provincial contributions generally. I am not in a position to make any promise at the moment in regard to the Government's intentions as regards provincial contributions. We have set before us as our objective the abolition of the provincial contributions at the earliest moment reasonably possible. But I agree with Mr. Cocke that that is not enough, that some revision of the arrangements arrived at in the Meston Settlement must ultimately take place, but how

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soon that can be done is not a matter on which I should like to prophesy. You have got a settlement and it is a very difficult thing to get a settlement, and a bird in the hand is worth two in the bush even to Bombay and Bengal. The House must remember that the worst sufferer in many senses under the Meston Settlement has been the Government of India. If we have been unable to reduce central taxation to any great extent and if whenever we do reduce central taxation we get into trouble with the provinces it is largely because of the Meston Settlement. You are in a very great difficulty in re-opening a question of that sort, so long as there is a large gap between the amount which the provinces claim, namely, the minimum amount that they would get under the Meston Settlement after the provincial contributions have been released, and the amount which the Central Government get, which is at the present moment more than Rs. 5 crores short of the amount that the provinces claim. It is obvious that if you are going to re-open that settlement at any particular moment you are in a difficult position when there are nine mouths wide open and there is rather a short amount of food to feed them. But the Taxation Inquiry Committee's Report has in that matter taken us a step forward. There is a very interesting chapter towards the end of that report dealing with the theoretical distribution of taxation as between the various taxing authorities and on one particular question we do feel that the time has come when an attempt should be made to take a step forward, namely, in regard to Devolution Rule No. 15 and the provincial share of the income-tax. We hope to take up that question during the summer. Whether we can arrive at a solution depends, I say, on the goodwill of nine provinces, all with divergent interests, all with interests divergent from that of the Central Government.

Colonel Crawford and others including Mr. Cocke spoke on the desirability of reducing the burden on the consumer, and particularly the consumer who is not very wealthy, that is imposed by what are called our luxury taxes and by some others among our customs duties. The four which were particularly mentioned by Colonel Crawford were motor cars, patent medicines, tinned foods and cheap clothing. I assume that he intends by cheap clothing to exclude artificial silk and silk stockings which have attracted the attention of the Chancellor of the Exchequer in other countries . . . .

**Colonel J. D. Crawford:** I said necessities.

**The Honourable Sir Basil Blackett:** I should not like to have disputes with the wife of any Member of this House whether artificial silk and other kinds of silk stockings are articles of necessary clothing. But I may say that of the articles mentioned motor cars are the only ones which are taxed at present on the luxury rate of 30 per cent. All the others are taxed at 15 per cent. except in the case of patent medicines which are spirituous. It is rather difficult at this moment to hold out any expectation of any reduction of the 15 per cent. rate which is the general tariff rate, in the absence of very strong grounds. At the same time I do recognise that these duties do increase the cost of living for people some of whom can ill afford any increase in the cost of living; and we did during the course of the winter go carefully through our tariff schedules to see whether there were any taxes on which we could propose reductions either in the hope that a reduction would bring us some additional revenue or



because reduction would not cost any very large sum but at the same time might bring considerable relief. The Tariff Bill which my Honourable friend the Commerce Member recently introduced dealt with some small items that came under scrutiny but we felt that for the time being any important reduction was not possible. As regards motor cars I do feel that there is something of a special case. The importance of communications is one which I think can seldom be over-emphasised. I was reading just the other day of a complaint. This was in an official file. A complaint had been made in regard to the condition of roads in a certain province. I do not want to be specific. After inquiry it was found that the complaint in one particular district was thoroughly justified and there had been an increase by two annas a maund in the cost of food grains in the market centre simply because of the additional time and cost in wear and tear required by the ox-wagons to cover these deteriorated roads. If you can have so important an effect on food grains in a local market as the result of neglect of your roads, it can be seen from that instance how a large portion of the cost of articles for the consumer at the place where they are consumed is dependent on the costs of transportation generally and on the existence of good roads, good railways and good forms of transportation all round. I very much like the idea mooted by the Taxation Committee that there should be a reduction to some extent of the duty on motor cars and that on the other hand something in the nature of a road fund should be instituted by the Provincial Governments. I am merely expressing an opinion at first sight after reading the report. It is not a matter which we have had time as a Government to study yet but it does seem to be an interesting suggestion. However, the motor car duty can hardly be said so far at any rate to have been unsuccessful, and there is another reason why for the moment a reduction in this and other duties would probably not be so opportune as it might be at any other time. There has been recently a very considerable fall in price and the effect of a change in the rate of duty when prices generally are falling is very much smaller than it is when they are stationary or still more when they are rising. For example, the average price for motor cars—that is, for cars and not for motor omnibuses—in 1921-22 was Rs. 5,993. That is the average price of cars imported in the year 1921-22. The average price in the first six months of 1925-26 is Rs. 2,135, a great deal less than half, very little more than one-third. So that, the actual amount of duty charged has fallen by very nearly 66 per cent. since 1921-22, although the rate has remained the same. That is not the moment when you can get the best effect out of a decrease of duty. I am however grateful to Colonel Crawford for raising this important point. It is a matter which we certainly must continue to keep in mind and to which we must pay attention.

Something has been said about the position of the Post Office, but I think Mr. Cocke put his finger on the true case when he said he saw with some disappointment that the surplus on the working of the Department as a whole in the year 1925-26 had been turned into a small deficit in 1926-27. That is unfortunately the position and it is difficult to see how we can for the moment take any useful steps to improve that position. We can hope that a return to prosperity in trade will increase at any rate the revenue from telegrams.

I do not propose to follow the speakers who dealt with our military problem and the trans-border difficulties beyond saying that I essentially agree that we want our military expenditure to be adequate, but not more

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than adequate; and I disagree profoundly with Colonel Crawford when he suggests that the experience of the war shows that had Great Britain spent more on military services before 1914 she would have been in a better position now. If the Honourable Member will read what Lord Grey has to say on that subject in his recently published Memoirs he will observe that it was Lord Grey's definite view that increased expenditure on armaments by Great Britain in the decade before the war would have hastened the war. So that the argument that your insurance must be adequate is a very difficult one. No insurance is adequate against all possible contingencies. It is a matter in which you have to gauge the comparative value for purposes of insurance of having a large army, and the value of having a smaller army and a contented population and better economic conditions than if you were spending more money on the army. You cannot arrive at an absolute figure. But beyond saying that the insurance must be adequate it is not possible to say that the expenditure should be so and so.

I have endeavoured to deal with the various points that have been raised. Bombay's unconcentrated wrath against me does not, I think, require more than I have already said in regard to the possibility of a revision of the Meston Settlement. I should have liked to study the actual figures showing the reduction in the yield of taxation in Bombay, and I should like to know how far that was due to the deliberate policy of Bombay and how far it was merely the result of misfortune. I see that the House is now anxious to go to lunch. I should like to congratulate them all on (almost for the first time in my experience) having all made really businesslike contributions to the budget discussion. (Applause and Laughter.)

**Sir P. S. Sivaswamy Aiyer** (Madras: Nominated Non-Official): On a point of procedure, Sir, I wish to make a few remarks. Two days have been allotted for the discussion of this Budget, and I may explain that I was not a party to any conspiracy of silence. But when Sir Basil Blackett got up to speak I was wondering why he got up so soon for I was under the impression that he would speak to-morrow. However, I am not complaining of your procedure; I am only saying that I, and for aught I know my Honourable friend, Mr. Rangachariar, were misled by the fact . . .

**Mr. President:** The Honourable Member has made his position and that of his friend perfectly clear that they were no party to any conspiracy of silence. The Assembly will take note of that fact. No doubt two days have been allotted to the Members of the Assembly to discuss the Budget, but if they do not choose to avail themselves of those two days they have to blame themselves. The Chair is helpless in the matter. I called upon Sir Basil Blackett to speak when I found that no other Member was inclined to speak. I particularly looked at Sir Sivaswamy Aiyer to find out if he was willing to speak, as he had previously informed me that he would speak, but as I did not see any inclination on his part also to rise, I had no other alternative but to call upon Sir Basil Blackett, who had already risen, to give his final reply.

The Assembly then adjourned till Eleven of the Clock on Monday, the 8th March, 1926.

# LEGISLATIVE ASSEMBLY.

*Monday, 8th March, 1926.*

The Assembly met in the Assembly Chamber at Eleven of the Clock, Mr. President in the Chair.

## QUESTIONS AND ANSWERS.

### TRANSFERS OF HEAD CLERKS OF CANTONMENT BOARDS.

1050. **\*Mr. S. Sadiq Hasan:** (a) Is it a fact that many of the head clerks of Cantonment Boards are never transferred from one place to another and that they spend their whole service at one station?

(b) Do Government propose to consider the advisability of the transfer of the head clerks of the Cantonment Boards within Military Districts or Commands?

**Mr. E. Burdon:** (a) and (b). Head clerks of Cantonment Boards are not transferred from one cantonment to another because they are not Government servants. They are paid out of *local* cantonment funds and are not borne on a combined roster. It will be evident therefore that my Honourable friend's suggestion is not really practicable.

### RESTRICTION OF THE OUTPUT OF RAILWAY-OWNED COLLIERIES.

1051. **\*Sir Willoughby Carey:** 1. Will the Government be pleased to state if any orders have been issued to restrict the output of railway-owned collieries during 1926, on account of the present depression in the Indian coal trade?

2. If the answer is in the negative, do Government propose to consider the advisability of immediately issuing such instructions?

3. Do Government propose to consider the advisability of slowing down the development of new railway collieries throughout 1926 and until the present depression of the Indian coal trade shows signs of passing?

**The Honourable Sir Charles Innes:** The Government of India have nothing to add to what they said on this subject in their letter of 16th October last, to the Indian Mining Federation, which letter has been published.

### REMOVAL OF THE DISTRICT OR COMMAND HEADQUARTERS FROM POONA TO SECUNDERABAD.

1052. **\*Dr. K. G. Lohokare:** (a) Will Government be pleased to say if they have under consideration any proposals to remove the District or Command Headquarters or the military station from Poona to Secunderabad?

(b) If so, what are the reasons which lead Government to think of discarding Poona in favour of Secunderabad? Have final orders been issued regarding this removal?

(c) Have Government received representations from the residents of Poona and Kirkee Cantonments praying Government to disapprove the proposal?

(d) Have Government seen in the newspapers reports of meetings held in Poona for the above purpose?

(e) Have Government under consideration more proposals to concentrate the troops of the Southern Command in the southern parts of India?

**Mr. E. Burdon:** (a) Certain discussions of the kind indicated in the question are proceeding between Army Headquarters and the local military authorities.

(b) No decision has been arrived at. The military authorities themselves have not yet framed their final opinion or submitted any recommendation to Government.

(c) Yes.

(d) Yes.

(e) The question is not understood. If my Honourable friend will be more precise, I will endeavour to answer him.

#### MAINTENANCE OF THE ROAD ON THE PAHARGUNJ RAILWAY OVERBRIDGE AT DELHI.

1053. **\*Dr. K. G. Lohokare:** Will Government be pleased to say if they intend to keep up the road on the Pahargunj railway overbridge at Delhi? If so, when is it expected to be rendered serviceable for vehicular traffic? If not, do they intend to remove the overbridge and when?

**The Honourable Sir Charles Innes:** It is usual in such cases for the local road authorities to take over the maintenance of the roadway on the completion of a new overbridge, but there has been some delay about their accepting this responsibility in this case. The Government have no intention of removing the overbridge.

#### THE DIRECTOR OF PUBLIC INFORMATION.

1054. **\*Mr. Gaya Prasad Singh:** (a) Is it a fact that Mr. John Coatman, Director of Public Information, entered the Police Department on 21st January, 1911? If so, what were his antecedents before he entered Government service?

(b) Is it a fact that he resigned Government service, or that his services were dispensed with at one time; if so, under what circumstances, and when; and when was he taken back into Government service again?

(c) What was Mr. Coatman's pay before he was appointed Director of Public Information, and what is his pay now?

(d) Was Mr. Coatman in any other Department of Government, except the Police service?

(e) Is it a fact that Mr. Coatman is now engaged in writing a history of Lord Reading's administration in India?

**The Honourable Sir Alexander Muddiman:** (a) Yes. Before he entered the Police Mr. Coatman took the B. A. degree at Manchester University in 1910 and was also a University Scholar in French and German.

(b) The answer is in the negative.

(c) Rs. 1,750. He now draws Rs. 2,000 per mensem.

(d) No.

(e) Yes.

**Mr. Gaya Prasad Singh:** Is it a fact that before his appointment as Director of Public Information Mr. Coatman was on special duty at Simla, where he was engaged in writing a book on Indian reforms which is now in the Press?

**The Honourable Sir Alexander Muddiman:** He was on special duty in my Department.

**Nawab Sir Sahibzada Abdul Qaiyum:** Are the Government aware that Mr. Coatman's literary attainments and academical qualifications were so high that his services were at one time requisitioned for a national institution and that he could not be spared?

**The Honourable Sir Alexander Muddiman:** That is a fact, Sir.

#### REVISION OF THE PAY OF SUPERINTENDENTS OF POST OFFICES.

1055. **\*Dr. K. G. Lohokare:** (a) Will the Government be pleased to state whether any revised scale of pay was proposed by the then Honourable Member in charge of the Department of Commerce and Industry, for Superintendents of Post Offices after receiving a deputation from the Postal Officers' Association in 1920, and whether any effect has been given to that proposal and also to state the nature of the proposal?

(b) If the answer to the last part of part (a) is in the negative, will the Government be pleased to give the reasons therefor?

**The Honourable Sir Bhupendra Nath Mitra:** (a) and (b). The revised scale of pay to which the Honourable Member alludes is probably that proposed in September, 1920, by the Director General, Posts and Telegraphs, namely, Rs. 300—25—550—30—850. After mature consideration the Government of India decided that no revision of the scale of pay sanctioned for Postal Superintendents by the Secretary of State in April 1920, was at that time justified.

#### MEMORIALS OF THE SUPERINTENDENTS OF POST OFFICES AND THE POSTAL OFFICERS' ASSOCIATION.

1056. **\*Dr. K. G. Lohokare:** (a) Will the Government be pleased to state whether (i) the memorials of July, 1924, by the Superintendents of Post Offices addressed to the Secretary of State for India, and (ii) the memorial of October, 1923, from the Postal Officers' Association to the Secretary of State for India, regarding the pay, pension and prospects of Postmasters-General have yet been forwarded to the Secretary of State for India?

(b) If so, will Government be pleased to state the dates on which each of these memorials was forwarded by them to the Secretary of State?

**The Honourable Sir Bhupendra Nath Mitra:** (a) The Memorials have been forwarded to the Secretary of State for India. The memorials of the Superintendents of Post Offices have been withheld under the rules, but the subject matter of them is under the consideration of the Government of India and orders will issue shortly. A consideration of the memorial of the Postal Officers' Association regarding the pay, pension and prospects of Postmasters-General was deferred pending the report of the Royal Commission on the Superior Public Services in India and the Association apprised of the fact. The memorial is now under the consideration of Government.

(b) Does not arise.

#### ELIGIBILITY OF INDIAN OFFICERS HOLDING KING'S COMMISSIONS FOR LEAVE PASSAGE CONCESSIONS.

1057. **\*Sardar Bahadur Captain Hira Singh Brar:** (a) Will the Government be pleased to state whether the regular Indian Army officers of Indian nationality, either recruited and trained at Sandhurst, or trained at Indore and who are drawing the Indian Army allowance, are entitled to the same passage concessions to England as the Indians in the Indian Civil Service and the Imperial Police Service?

(b) If the answer to the above is in the negative, will the Government be pleased to state the reasons for the distinction?

**Mr. E. Burdon:** (a) Indian officers holding King's Commissions are not eligible for leave passage concessions. In this respect their position is the same as that of Indian officers of the I. C. S. recruited in this country, all Indian officers of the Indian (Imperial) Police Service and all Indian officers of all other services.

(b) The only Indian officers eligible for passage concessions are those Indian members of the I. C. S. who draw overseas pay. They were granted the concession on the special recommendation of the Lee Commission.

#### EMIGRATION OF INDIAN LABOURERS TO FOREIGN COUNTRIES.

1058. **\*Mr. C. S. Ranga Iyer:** (a) Will the Government be pleased to state into what countries Indian labour emigration still continues to pour?

(b) In what countries is the emigration of Indian labour prohibited?

(c) Is South Africa one of them?

**Mr. J. W. Bhore:** (a) and (b). Emigration for purposes of unskilled work is lawful only to Ceylon and Malaya. Emigration for the purpose of skilled work is lawful to all countries subject to the safeguards provided in Chapter IV of the Indian Emigration Act.

(c) The Union Government under their own Immigration law prohibit the entry of Indian emigrants into South Africa.

#### GRANT OF INCREASE OF PAY TO THE POSTAL OFFICIALS STATIONED IN PATNA.

1059. **\*Mr. Devaki Prasad Sinha:** 1. Is it a fact that the Postmaster of the Patna Head Office is empowered to exercise the functions of the postmasters of a first class Head Office?

2. Is it a fact that the Postal Committee of 1920 recommended a higher time-scale of pay for those men of the subordinate service in a first class Head Office than for those in a second class Head Office?

3. Is it a fact that the Patna Post Office was a second class Head Office when the Government accepted the recommendation of the Postal Committee and that the scale of pay fixed for a second class office was therefore given to the officials working there?

4. Is it a fact that even after the status of the Patna Post Office was raised to that of a first class Head Office the officials are still being paid the pay fixed for a second class office?

5. Why was the time-scale for a first class office not applied to Patna?

6. Do Government propose to consider the question favourably?

**The Honourable Sir Bhupendra Nath Mitra:** 1. Yes.

2. Yes, so far as the clerical staff is concerned. The reasons, however, for the recommendation of the Postal Committee of 1920, were that 1st class head offices are in large towns where the cost of living is comparatively high and that the work in them is usually more arduous and more difficult than in the smaller offices.

3. Yes.

4. The status of the Patna Head Office has not been raised to that of a first class Head Office. The position is as stated in the replies to parts 1 and 5 of the Honourable Member's question.

5. The town of Patna is not considered to be of sufficient importance postally to justify a gazetted Postmaster being placed in charge of the local head office. It is only for administrative convenience, *e.g.*, that the Postmaster, Patna, may have direct access to the Postmaster-General, that the head postmaster at Patna has been permitted to exercise the powers of a first class postmaster on his own pay. This administrative measure provides no ground for a general rise in the pay of the postal officials stationed in Patna.

6. For the reasons given in the reply to part 5, Government are not prepared at present to alter the existing arrangement.

**Mr. Devaki Prasad Sinha:** Will the Honourable Member state what justification he has for saying that Patna is not a place of sufficient importance?

**The Honourable Sir Bhupendra Nath Mitra:** That depends on the volume of work done by the Post Office.

**Mr. Gaya Prasad Singh:** Is not Patna the capital of a major province?

**The Honourable Sir Bhupendra Nath Mitra:** I am fully aware of that.

**Mr. Devaki Prasad Sinha:** Are the postal workers in Patna required to handle a smaller number of letters than the postal workers in the post offices of other provincial headquarters?

**The Honourable Sir Bhupendra Nath Mitra:** I have already said that the volume of work at Patna does not justify the raising of the status of the post office.

**Mr. B. Das:** Is it the opinion of the Honourable Member that the province of Bihar and Orissa has not attained its majority and that Bihar and Orissa is not a major province?

**Mr. President:** No questions asking for opinions can be asked?

**GRANT OF ADVANCE INCREMENTS TO CERTAIN CLERKS IN THE OFFICE  
OF THE DIRECTOR GENERAL, POSTS AND TELEGRAPHS.**

1060. **\*Mr. Devaki Prasad Sinha:** (a) Is it a fact that an advance increment was granted only last year in the time-scale in favour of a clerk named Babu Murari Mohun Mukerjee of the office of the Director General, Posts and Telegraphs, remedying the anomalous position that existed in regard to the fixation of his pay since 1st March, 1921?

(b) If the answer to the above be in the affirmative, will the Government be pleased to say whether similar remedies were applied in respect of the anomalous cases as to the fixation of pay of certain other clerks of that office, senior to Babu Murari Mohun Mukerjee in service and who were drawing continuous acting allowance in the B cadre like him before December 1920 and up to March 1921? If not, why not?

(c) Are Government prepared to consider the cases of those clerks who have the same kind of grievances?

**The Honourable Sir Bhupendra Nath Mitra:** (a) No advance increment was granted but the pay of the clerk named was refixed.

(b) and (c). Government have no information. If any individual has a grievance, he is at liberty to appeal to Government in the usual manner.

**CONCESSIONS TO THE STAFF OF THE OFFICE OF THE DIRECTOR GENERAL  
OF POSTS AND TELEGRAPHS ON TRANSFER TO DELHI.**

1061. **\*Mr. Devaki Prasad Sinha:** (a) Is it a fact:

(i) that Government have already announced the concessions and remunerations to be given to the staff of the office of the Director General of Posts and Telegraphs when they are transferred to Delhi with the office:

(ii) that the staff considered those concessions as inadequate and submitted a petition last year addressed to the Director General:

(iii) that in an order dated the 28th November, 1925, of the Deputy Director General the staff were informed that their prayer regarding the concessions was under consideration of the Director General?

(b) What decision have the Government arrived at on the said representation?

**The Honourable Sir Bhupendra Nath Mitra:** (a). (i) No. The proposals of the Director General, Posts and Telegraphs, on the subject which were generally endorsed by the Government of India have received the approval of the Standing Finance Committee.

(ii) Yes.

(iii) Yes.

(b) There was no representation to the address of the Government of India. The joint petition was addressed to the Director General who, I



understand, considered that the concessions proposed by him were sufficiently liberal but that in matters of detail, slight modifications might be necessary; these are under his consideration.

**Mr. Devaki Prasad Sinha:** Will the Honourable Member state when he will be in a position to announce his final decision with regard to the representation referred to in (b).

**The Honourable Sir Bhupendra Nath Mitra:** As I have already said, there is no representation before Government.

**Mr. Devaki Prasad Sinha:** Am I to understand that the Director General will arrive at his decision without consulting the Government?

**The Honourable Sir Bhupendra Nath Mitra:** I do not quite understand what the Honourable Member is referring to. I have already said that a certain decision has been arrived at by Government.

**Mr. Devaki Prasad Sinha:** I understood the Honourable Member to say that some portions of the representation have not yet been disposed of and they are still under the consideration of the Director General of Posts and Telegraphs. Am I to understand that the Director General in arriving at that decision will act without consulting the Government of India?

**The Honourable Sir Bhupendra Nath Mitra:** If the expenditure involved is within the powers of the Director General, he will undoubtedly do so.

LETTER FROM THE PRIVATE SECRETARY TO H. E. THE GOVERNOR OF  
BOMBAY TO THE SECRETARY OF THE SIND HINDU ASSOCIATION  
REGARDING THE APPOINTMENT OF HINDUS TO HIGHER POSTS  
IN THE PUBLIC SERVICES IN SIND.

1062. **\*Mr. Harchandrai Vishindas:** (a) Has the attention of the Government of India been drawn to the letter of His Excellency the Governor of Bombay's Private Secretary, dated the 5th November, 1925, to the address of the Secretary, Sind Hindu Association, which contains among others the following passage:

"In connection with the complaint made by your Association that Hindus are not being appointed or promoted to higher posts in the public services in Sind to the extent that they deserve, I am to send you the accompanying statement showing how the Sind Hindu members of the Legislative Council have voted since the Reformed Councils were started in 1921.

These figures indicate that during the three years of the first Reformed Council your representatives have recorded for and against Government the following percentage of the total number of votes cast by each:

	For Government.	Against Government.
Mr. Pahlajani . . . . .	9 per cent.	91 per cent.
Mr. Jethanand Mukhi . . . . .	14 "	86 "
Mr. Ojha . . . . .	21 "	79 "

At the elections of 1923, your community had an opportunity of reconsidering the attitude of your representatives on the Legislative Council, with the result that they re-elected the two members who had been the strongest opponents of Government and replaced the most moderate of the three by Mr. Advani, who has in the last two years voted against Government 70 times and for Government once. The percentage of votes against Government to total votes recorded by each member during 1924 and 1925 works out to the nearest figure as follows:

	Against Government.
Mr. Advani . . . . .	99 per cent.
Mr. Pahlajani . . . . .	90 "
Mr. Jethanand Mukhi . . . . .	72 "

It has been represented to His Excellency that these figures are not more than a dim reflection of the general attitude towards Government of the great majority of the Sind Hindu community, and specially of the Amil or bureaucratic section of it, which is most concerned with Government appointments; and it is said that these figures merely confirm what can be otherwise inferred from the activities of Amil agitators and the publications of Amil editors. It has been consequently suggested that, in making appointments to Government service, specially in making higher appointments, Government would do well, and would indeed be taking the only prudent course, to select their servants rather from among those who are its supporters than from those whose representatives have been its inveterate opponents."

(b) If so, have the Government of India circularized other Local Governments to adopt the principle indicated therein, that preference in patronage of appointments in Government service should be given to the community whose members in Legislative Councils vote with Government, or repudiating the said principle according as the Government of India approve or disapprove of the same?

(c) If the Government of India have not already so circularized other Local Governments, do they contemplate doing so?

(d) If not, why not?

**The Honourable Sir Alexander Muddiman:** (a) Yes.

(b) and (c). No.

(d) Because Government do not consider any such reference necessary or desirable.

**Diwan Bahadur T. Rangachariar:** May I ask the Honourable Member whether Government have issued any intimation expressing their disapproval of the course adopted by the Bombay Government?

**The Honourable Sir Alexander Muddiman:** If the Honourable Member had listened to my answer to (b) he would have gathered that we did not do so.

**Diwan Bahadur T. Rangachariar:** Do not the Government of India consider that it is objectionable to keep a record like this and punish the whole community?

**The Honourable Sir Alexander Muddiman:** I do not understand what the Honourable Member means. I do not propose to take any action.

**Diwan Bahadur T. Rangachariar:** Do the Government of India keep such a record so far as the voting in this Assembly is concerned?

**The Honourable Sir Alexander Muddiman:** We have not yet instituted that procedure.

**Diwan Bahadur T. Rangachariar:** Why not?

**The Honourable Sir Alexander Muddiman:** Because it does not commend itself to me.

**Mr. Harchandrai Vishindas:** May I ask whether the Government do approve of this letter of the Bombay Government directly punishing a whole community for the sins of the Members of the Council?

**The Honourable Sir Alexander Muddiman:** The matter was not submitted to me, and it is not before me for my judgment. I do not propose to interfere in the matter.

**Mr. N. M. Joshi:** May I ask whether it is not a corrupt practice to influence the voting of the Members of the Legislature by offering a bribe to the community?

**The Honourable Sir Alexander Muddiman:** I will consider the Honourable Member's suggestion.

**Diwan Bahadur T. Rangachariar:** May I ask whether the Honourable the Home Member will consider the desirability of introducing a provision in the pending Corrupt Practices Bill that the Government should not do such a thing?

**The Honourable Sir Alexander Muddiman:** The Honourable Member is on the Select Committee. He can bring forward his own amendments.

**Diwan Bahadur T. Rangachariar:** I will try.

#### EMPLOYMENT OF THE INDIAN ARMY ON EXPEDITIONS OUTSIDE INDIA.

1063. **\*Dr. K. G. Lohokare:** With reference to replies given to the starred question regarding the use of the Indian Army for purposes other than for India by Mr. Ranga Iyer on the 16th February, 1926, will Government be pleased to state:

- (1) On what occasions and for whom was the Indian Army used for purposes other than for India—during the last 30 years?
- (2) What were the units, the number of personnel, officers and transport and other military equipment lent on each occasion?
- (3) What amount was credited to the Indian Treasury on each occasion for such use by the authorities to whom the Indian Army was lent?
- (4) What is the number of personnel and officers killed, invalided or lost on each occasion?
- (5) What is the cost of military equipment lost, destroyed or otherwise rendered unserviceable on each occasion?
- (6) What, if any, compensation for loss of personnel and equipment has been recovered on each occasion from the authorities for whom the Army was used?
- (7) Whether injury and invalid pensions of personnel invalided and gratuities and pensions to families of personnel killed during the period were recovered from such authorities?
- (8) Whether pension contributions for the period the personnel served such authority have been recovered?
- (9) What is the amount paid out of the Indian Treasury to cover the full cost of maintenance, pensions, loss and damage, etc., on each occasion?
- (10) Whether figures as per above questions are available for occasions on which the Indian Army was used for non-Indian purposes before the last thirty years? If so, for what period and will Government be pleased to lay them on the table?

**Mr. E. Burdon:** (1) I lay on the table a statement giving the information desired by the Honourable Member.

(7) and (8). Yes, except that the extra non-effective charges arising out of the Great War are borne by India as part of the additional contribution to His Majesty's Government.

I regret that the information asked for in the other parts of the question is unobtainable.

*Statement giving the information desired in part (1) of starred question No. 1063.*

(a) Indian Army units have been used on the following expeditions since 1896 :

Mombassa 1896.

Jubaland 1898.

Uganda 1897.

Jubaland 1901.

China 1900.

Somaliland 1902-04.

Persia 1912.

Great War 1914—1918 and consequent post-war garrisons. These units were used for Imperial purposes.

(b) Units of the Indian Army have also been used as part of the normal peace time garrisons of :

Ceylon (pre-war).

Straits Settlements and Federated Malay States (pre and post-war).

China (pre and post-war).

Persian Gulf (pre and post-war).

Iraq (post-war).

These units were and are used for Imperial purposes.

(c) The following have not been included in the above :

(i) Indians serving voluntarily in non-Indian Army units, such as Indian contingents of the King's African Rifles.

(ii) Units stationed at Aden.

#### INDIAN REFRESHMENT ROOMS AT STATIONS ON THE EAST INDIAN, OUDH AND ROHILKHAND, AND BENGAL AND NORTH WESTERN RAILWAYS.

1064. \***Khan Bahadur Sarfaraz Hussain Khan**: 1. Will the Government be pleased to state:

(a) the names of the stations on the East Indian, Oudh and Rohilkhand, and Bengal and North Western Railways, respectively, which have Indian refreshment rooms, and

(b) if Patna Junction, Mokameh Junction, Moghalsarai Junction and Muzaffarpur stations have Indian refreshment rooms?

2. Do Government propose to open Indian refreshment rooms in all the important railway stations on the above Railways in the near future?

**The Honourable Sir Charles Innes**: 1. (a) and (b). The information required by the Honourable Member can be obtained from the published Time Tables of the Railways referred to.

2. The Honourable Member is referred to the debate on this subject on February 24th. It is a matter which is receiving constant attention.

#### ENHANCED CUSTOMS DUTIES ON INDIAN GOODS EXPORTED TO TURKEY.

1065. \***Mr. Gaya Prasad Singh**: Is it a fact that Indian goods exported to Turkey have now to pay eight times the ordinary custom duties? If so, since when, and why?

**The Honourable Sir Charles Innes**: Information was received recently that Turkey proposed to raise from five to eight the co-efficient of increase of duties on goods coming from countries with which Commercial Treaties or Conventions had not been concluded and representations were received

from traders that it was intended to apply the enhanced duties to Indian goods. The Government of India had however already adhered to the Commercial Convention with Turkey, and they therefore consider that differential enhancements in duties are not applicable to goods imported into Turkey from India. The Government have therefore asked for exact information.

CONSTRUCTION OF THE PROPOSED RAILWAY BETWEEN MUZAFFARPUR AND SITAMARHI.

1066. **\*Mr. Gaya Prasad Singh:** (a) With reference to starred question No. 154 of the 25th January last, and the reply of the Government that the proposed railway line between Muzaffarpur and Sitamarhi (Bengal and North Western Railway) in Bihar and Orissa "is already included in the programme of new lines likely to be considered for construction in the near future", will the Government be pleased to say when the survey is likely to be completed, and the work taken in hand?

(b) In what time is the line likely to be completed?

**The Honourable Sir Charles Innes:** The question of the construction of the proposed railway between Muzaffarpur and Sitamarhi was discussed at the beginning of last month by the Agent of the Bengal and North Western Railway with the Government of Bihar and Orissa.

The line is not likely to prove remunerative and the Agent reports that the Local Government does not consider the project an urgent one and is not prepared to guarantee it.

In the circumstances, Government do not propose to take any further action at present.

PRESCRIPTION OF CONDITIONS OF SERVICE FOR POSTS EARMARKED FOR THE INDIAN EDUCATIONAL SERVICE.

1067. **\*Mr. Gaya Prasad Singh:** (a) Will the Government be pleased to state if any correspondence has passed between the Government of Bihar and Orissa and the Government of India, referred to in the reply to question No. 156 in the Bihar and Orissa Legislative Council on the 16th February, 1926, regarding the conditions of service which may be prescribed for the posts now earmarked for the Indian Educational Service? If so, what is the final decision arrived at?

(b) Have the Government received any memorial from members of the Provincial Educational Service on the subject?

**Mr. J. W. Bhore:** (a) Yes. No decision has yet been reached in the matter.

(b) The answer is in the negative.

IMPROVEMENT OF THE RAILWAY FERRY SERVICE BETWEEN MONGHYR AND MONGHYR GHAT.

1068. **\*Kumar Ganganand Sinha:** (a) Are Government aware that there have been numerous complaints against the railway ferry service between Monghyr and Monghyr Ghat in Bihar and Orissa?

(b) Will the Government be pleased to state when the East Indian Railway propose to take direct charge of the said ferry service? If not, will the Government consider whether the said ferry service should be

handed over to the Bengal and North Western Railway, if the latter undertakes to run the ferry directly under its own charge, and not through a contractor? If not, what steps do Government propose to take to improve the said ferry service?

**The Honourable Sir Charles Innes:** (a) The Honourable Member is referred to the reply given to question No. 1848 asked in this Assembly on 15th September 1924.

(b) So far as Government are aware the East Indian Railway does not at present propose to take over the working of the ferry service. The Bengal and North Western Railway applied to the Railway Board for permission to establish a ferry service, but the Board after consulting the Local Government decided not to interfere with the existing arrangements.

#### IMPROVEMENT OF THE LAW RELATING TO INCOME-TAX AND SUPER-TAX.

1069. **\*Mr. C. S. Ranga Iyer:** (a) Are Government aware that the super-tax is felt to be a form of double taxation?

(b) Was not the super-tax a war measure as originally conceived? Do they propose to abolish it at the earliest opportunity? If so, when?

(c) Will the Government be pleased to state whether they propose to assimilate the rules for the refund of the super-tax, so long as it remains, with the rules for the refund of income-tax, the refund to be on the basis of the whole of the profits and not merely on dividends declared?

(d) Do Government propose to consider the equity of making provision for business losses when counting income-tax and making it permissible for an assessee to carry forward losses for a period of three years?

(e) If answers to (c) and (d) be in the negative, will the Government be pleased to state the reasons?

**The Honourable Sir Basil Blackett:** The late Sir W. Meyer specifically declared both in his speech on the Budget for the year 1917 and in the debate on the Super-tax Bill (1917) itself that the tax was not intended to be a temporary financial expedient. The question of the improvement of the law relating to income and super-tax which is, I gather, the purpose of the latter portions of the question, will be taken up in connection with the report of the Taxation Inquiry Committee.

**Mr. Devaki Prasad Sinha:** Are Government aware that in every other country super-tax is considered to be the most scientific form of taxation?

**The Honourable Sir Basil Blackett:** It depends on who is asked to consider that question.

#### RECOMMENDATIONS OF THE INDIAN MERCANTILE MARINE COMMITTEE.

1070. **\*Mr. C. S. Ranga Iyer:** (a) Did the Indian Mercantile Marine Committee recommend the establishment of a training ship for the purpose of nautical training, the reserving of the coasting trade of India to vessels owned and managed by Indians; starting and developing the ship-building industry in India by liberal help from the State?

(b) What have the Government done to give effect to the recommendations of the said Committee?

(c) Do they propose to give effect to all or any of them? If so, when and how? If not, why not?

**The Honourable Sir Charles Innes:** (a) Yes.

(b) and (c). The attention of the Honourable Member is invited to the answer given to similar questions asked by Messrs. Kumar Sankar Ray and B. Das on the 26th January, 1926.

**Diwan Bahadur T. Rangachariar:** How long, may I ask, will a similar answer be given?

**The Honourable Sir Charles Innes:** The Honourable Member will have an opportunity of putting that question later on in the debate on this grant.

PARTICULARS RELATING TO CANDIDATES SELECTED FOR SANDHURST UP  
TO THE YEAR 1925, ETC.

1071. **\*Mr. N. M. Joshi:** Will Government be pleased to supply the following information:

- (A) (1) The name, caste and province of the candidates selected for Sandhurst up to 1925 ending and the year of selection of each candidate;
- (2) Educational qualifications of these selected candidates;
- (3) Whether appeared for the entrance examination or not;
- (4) Whether passed or not;
- (5) Whether selected by the Government of India or directly by the Secretary of State;
- (6) Whether secured Commission or not;
- (7) Whether educated at Dehra Dun or other institutions, if so, which;
- (8) Whether from the Indian States, and if so, how related to the Princes or Chiefs;
- (9) Whether parent or *de facto* guardian in the civil or military service of Government or whether of a person who rendered great assistance to Government, holding titles if any;
- (10) Whether any of those selected for Sandhurst but unable to get King's Commission were provided in the auxiliary services of the Army or under any department of Government. If so, what are their names, the salaries they draw and the departments in which they work;
- (11) How many students appeared each year for selection to Indian Sandhurst?
- (B) Does the number 10 of admissions to Sandhurst include King's Cadets and King's Honorary Cadets; if so, how many were such and their names from 1918 to 1925?
- (C) The number of Indian officers holding King's Commission who command British personnel?
- (D) The total number of officers holding King's Commission and employed in the British and Indian units?

**Mr. E. Burdon:** (A), (1)–(10) and (B). The collection of the information in the form desired by the Honourable Member would involve the expenditure of an amount of time and labour which, in the opinion of the Government of India, would be incommensurate with the result attainable. If the Honourable Member, however, would let me know the object for which he requires these statistics, I might be able to furnish him with the

information in a simpler and more convenient form. At the same time, I would add that the matters to which the information sought would be relevant are actually those which are being studied by the Indian Sandhurst Committee and I think the purpose which the Honourable Member appears to have in view would be sufficiently served by waiting for the Committee's Report.

(C) and (D). The information desired is given in the Indian Army List for January, 1926, to which I would refer the Honourable Member.

#### EXPENDITURE ON THE ROYAL MILITARY COLLEGE AT DEHRA DUN.

1072. **\*Mr. N. M. Joshi:** Will Government be pleased to state the total expenditure incurred on the Royal Military College at Dehra Dun each year since its inauguration?

**Mr. E. Burdon:** The information desired by the Honourable Member will be found in the Finance and Revenue Accounts for the year 1921-22 and succeeding years. The amount spent in 1924-25 was Rs. 1,76,786, and the total maintenance expenditure from the inception of the College up to that point was Rs. 5,35,490.

#### EXPENDITURE ON THE INSTRUCTIONAL AND OTHER STAFF OF THE ROYAL MILITARY COLLEGE AT DEHRA DUN, ETC.

1073. **\*Mr. N. M. Joshi:** Will Government be pleased to state:

1. What amount is spent on the teaching staff and other staff employed in the Royal Military College, Dehra Dun?
2. What is the net expenditure for the cadets for boarding and lodging?
3. What is the income from the fees of these cadets?

**Mr. E. Burdon:** 1. The cost of the instructional and other staff for the year 1926-27 is estimated at Rs. 83,730.

2. I am not in a position to furnish this information as the fees payable by students include the cost of tuition, stationery, books, messing, school servants, washing, etc.; moreover, the buildings in this case are not assessed to rent. I may, however, state that the cost of the messing for students works out to Rs. 38,660.

3. The amount is estimated at Rs. 91,000 for the ensuing year.

**Mr. Gaya Prasad Singh:** Is it a fact, Sir, that riding and shooting are not taught in the Dehra Dun Military College?

**Mr. E. Burdon:** It is, Sir.

#### EDUCATIONAL QUALIFICATIONS OF SIGNALLERS ON THE NORTH WESTERN RAILWAY.

1074. **\*Khan Bahadur W. M. Hussanally:** 1. Has the attention of Government been drawn to a leaderette in the *Muslim Advocate* of January 30, 1926, headed "Railway Department Appointments"?

2. (a) Is it a fact as stated therein that the North Western Railway Administration have passed a rule recently that in future recruits for training as Signallers at railway stations, should have passed the School Leaving Certificate Examination (otherwise known as Matriculation)?



(b) If so, when was such a rule passed?

3. (a) Since the passing of the rule in question how many such recruits have been employed on the North Western Railway to be trained as Signallers?

(b) How many of such recruits are Hindus and how many Mussalmans?

(c) How many of them are Sindhi Hindus and how many Sindhi Mussalmans?

4. Has any other Railway passed any such rule?

**The Honourable Sir Charles Innes:** (1) Yes.

(2) and (3). Government have no information.

(4) As want of education amongst the existing lower subordinate employees prevents them for qualifying for higher subordinate ranks, it is under contemplation to lay down a minimum educational qualification for recruits on all State Railways in future.

NUMBER OF SINDHI MUSSALMANS EMPLOYED IN CERTAIN SPECIFIED  
APPOINTMENTS ON THE SIND SECTION OF THE NORTH  
WESTERN RAILWAY, ETC.

1075. **\*Khan Bahadur W. M. Hussanally:** (1) How many Sindhi Mussalmans are serving in the Sind section of the North Western Railway as:

(a) Station masters;

(b) Assistant station masters;

(c) Booking and other clerks on stations;

(d) Signallers;

out of a total of how many?

(2) Kindly give the number of non-Sindhis (Hindus and Mussalmans) serving in the above capacities?

EDUCATIONAL QUALIFICATIONS FOR SIGNALLERS ON THE NORTH  
WESTERN RAILWAY.

1076. **\*Khan Bahadur W. M. Hussanally:** (a) Is it a fact as stated in the leaderette of the *Muslim Advocate*, dated 30th January, 1926, that 95 per cent. of the Signallers now serving on the North Western Railway are those who have passed no such examination mentioned therein?

(b) If not what is their percentage?

(c) Are these men doing their work well? If yes, what is the reason for the introduction of the new rule?

**The Honourable Sir Charles Innes:** I propose, Sir, with your permission, to reply to questions Nos. 1075 and 1076 together.

Government have no information. They published already information relating to the representation of the different communities in railway service and they cannot undertake to go further and to ascertain from what provinces the representatives of the different communities are drawn.

## EMPLOYMENT OF NON-SINDHIS IN THE RAILWAY SERVICE IN SIND.

1077. \***Khan Bahadur W. M. Hussanally**: (a) Are Government aware that the Province of Sind is educationally more backward than the Punjab and the other Provinces?

(b) If yes, will not the rule referred to in the leaderette of the *Muslim Advocate*, dated 30th January, 1926, attract more non-Sindhis to the railway service in Sind?

**The Honourable Sir Charles Innes**: Judging by the statistics of 1921-22 Sind is not more backward in the matter of education than the Punjab. Part (b) therefore does not arise.

## EMPLOYMENT OF THE VARIOUS COMMUNITIES IN THE RAILWAY SERVICES?

1078. \***Khan Bahadur W. M. Hussanally**: (1). (a) Is the Railway Department aware of the circular issued by the Home Department last year on the subject of the due admixture of the several communities in the services?

(b) If so, do the Railway Board propose to advise the Railway Administrations to follow that circular.

(2). (a) Are the Railway Board aware of the circulars issued by the Bengal and Bombay Governments on the same subject?

(b) If so, do they propose to advise the Railway Administrations to follow the spirit of those circulars?

**The Honourable Sir Charles Innes**: The Honourable Member is referred to the reply I gave to Mr. Muhammad Yakub in the course of the debates on the Railway Budget on 25th February last. I may add that the general question raised in the Home Department circular is under the consideration of the Railway Department.

## CANCELLATION BY THE MEXICAN CONSUL OF HONGKONG OF A PASSPORT GRANTED TO ONE DHANTA TO PROCEED TO MEXICO.

1079. \***Lala Duni Chand**: I. Is it a fact that one Dhanta, son of Nihala, Caste Jat Sikh, resident of M. Chak Kalan, Tehsil Nakodar, District Jullundur, was granted a passport by the Punjab Government for Fiji in the year 1921?

II. If so, was it changed by the Government of Bengal for Mexico and signed by the Mexican Consul at Calcutta?

III. Did the aforesaid Dhanta leave Calcutta *en route* to Mexico for Hong Kong?

IV. Was his passport cancelled by the Mexican Consul at Hongkong and he was obliged to return to India?

V. Did he present himself before the Mexican Consul at Calcutta after his return and after that did he go to the Government of Bengal for redress in the matter and hand over his passport to the official concerned?

VI. How do the Government propose to redress this person's grievance?

**Sir Darya Bux:** The facts are substantially as suggested. As regards section II of the question however I should make it clear that it was at Dhanta's own wish that the endorsement was granted for Mexico. On his return to Calcutta the Mexican Consulate was addressed on the matter, but before any definite reply was received by the Consulate from Hongkong, the Consulate was closed. It has recently been re-opened and further inquiries are being made; but the Honourable Member will realise that until further information is available it is not possible to give any reply at all to his last question.

[SUBJECTION OF THE KAZIKHEL FAMILY OF LANDI YARGHAJO, PESHAWAR DISTRICT, TO THE JURISDICTION OF THE HONORARY MAGISTRATE OF THE ARBAB FAMILY.

1080. **\*Lala Duni Chand:** (a) With reference to the matter of the exemption of the Kazikhel family of Landi Yarghajo, Peshawar District, their relations, etc., from the jurisdiction of the Honorary Magistrate, is it a fact that it was after the Deputy Commissioner, Peshawar, had refused to pay any heed to their representation that the representatives of the Kazikhel family were obliged to wait upon the Honourable the Chief Commissioner, North-West Frontier Province? If so, will the Government be pleased to state what action the Honourable the Chief Commissioner has taken on their representation?

(b) Are Government aware of the existence of extremely strained feelings between the Arbab and the Kazikhel families? If this is a fact, do the Government propose to invite the attention of the Honourable the Chief Commissioner to the desirability of not subjecting the Kazikhel family to the jurisdiction of the Honorary Magistrate of the Arbab family?

AMOUNT OF LAND AND HOUSE PROPERTY ACQUIRED BY ARBAB MOHAMMAD AKRAM KHAN, HONORARY MAGISTRATE, WITHIN HIS MAGISTERIAL JURISDICTION.

1081. **\*Lala Duni Chand:** Will the Government be pleased to state the amount of land and house property which has been acquired either by purchase or by mortgage by Arbab Mohammad Akram Khan, Honorary Magistrate, First Class, within his magisterial jurisdiction since his appointment as Honorary Magistrate up to 21st July, 1925?

AMOUNT OF ASSISTANCE RENDERED BY ARBAB MOHAMMAD AKRAM KHAN IN CONNECTION WITH DACOITIES AND MURDERS COMMITTED DURING THE LAST 8 YEARS IN VILLAGE LANDI YARGHAJO.

1082. **\*Lala Duni Chand:** (a) Is it a fact that out of 10 Government rifles meant for village Landi Yarghajo, 8 are with Arbab Mohammad Akram Khan and K. B. Arbab Mir Ahmad Khan, Honorary Magistrates of the said village, and if so, will the Government be pleased to state what assistance they rendered in connection with the several dacoities and murders committed by the outlaws during the last 8 years in the said village?

(b) Is it a fact that the shop of one Sant Singh which is situated just below the tower of Arbab Mohammad Akram Khan was looted and no assistance was rendered by the said Arbab?

**Sir Denys Bray:** The information asked for in questions Nos. 1080, 1081, and 1082 is being obtained from the local Administration and a reply will be furnished to the Honourable Member in due course.

#### CONSTRUCTION OF A RAILWAY BRIDGE ACROSS THE INDUS AT KALABAGH.

1083. **\*Lala Duni Chand:** Is it a fact that a railway bridge across the river Indus at Kalabagh for a broad gauge line is sanctioned? If so, when will its construction be taken in hand?

#### GAUGE OF THE DERA ISMAIL KHAN-TANK RAILWAY.

1084. **\*Lala Duni Chand:** Are Government contemplating to convert the Dera Ismail Khan-Tank Railway into a gauge of the same dimensions as that of the Lakhi Pezu-Tank Railway line?

#### RAILWAY CONNECTION BETWEEN FORT SANDEMAN AND HINDUBAGH.

1085. **\*Lala Duni Chand:** Is it a fact that Fort Sandeman in Baluchistan is to be connected with Hindubagh by railway and, if so, when?

**The Honourable Sir Charles Innes:** I propose, Sir, to reply to questions 1083, 1084, 1085 and 1088 together. I would refer the Honourable Member to the reply given by me in this House on the 1st February, 1926, to question No. 507 by Sir P. S. Sivaswamy Aiyer, which covers identically the same ground.

#### CONSTRUCTION OF A METALLED ROAD BETWEEN DERA ISMAIL KHAN AND FORT SANDEMAN.

1086. **\*Lala Duni Chand:** Is the question of connecting Dera Ismail Khan with Fort Sandeman either through Mahsud territory or Sherani territory by metalled road under contemplation?

**Sir Denys Bray:** Not at present.

#### THE GHAZNI KHEL DARABAN ROAD.

1087. **\*Lala Duni Chand:** When is the Ghazni Khel Daraban road expected to be completed?

**Sir Denys Bray:** For all practical purposes the road has now been completed; only a few minor improvements are still in hand.

#### PROPOSED RAILWAY BETWEEN DERA ISMAIL KHAN AND FORT SANDEMAN.

†1088. **\*Lala Duni Chand:** Is it a fact that before the Great European War the survey of a railway line between Dera Ismail Khan and Fort Sandeman was completed and if so, will the Government be pleased to state if the scheme is likely to materialise?

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†For answer to this question, see answer below question No. 1085.

**ALLEGATIONS AGAINST MUFTI AZIZ-UL-RAHMAN, DISTRICT INSPECTOR OF SCHOOLS, DERA ISMAIL KHAN.**

1089. **\*Lala Duni Chand:** (a) Is it a fact that Mufti Aziz-ul-Rahman, B.A., District Inspector of Schools, Dera Ismail Khan, has been there for the last 20 years, first as Head Master and later on as District Inspector and if so will the Government be pleased to state if his stay for such a long time in one place is not opposed to the general practice observed by the Government?

(b) Are the Government aware of the fact that the said gentleman has greatly contributed to the bitterness of feelings between the Hindus and Muhammadans there?

(c) Has it come to the notice of the Government that the said Mufti Aziz-ul-Rahman made an anti-Hindu speech in the town hall last March thereby wounding the feelings of the Hindus?

**Mr. J. W. Bhore:** (a) The officer in question joined the service of the Municipal Board, Dera Ismail Khan, in 1907, and was appointed Headmaster of the Municipal Board High School by that Municipality. He was made District Inspector of Schools, Dera Ismail Khan, which is a Government post, in 1915. There is no such practice with regard to educational appointments as that indicated in the latter part of the question.

(b) and (c). The answer is in the negative.

**APPOINTMENT OF HINDUS AS HEAD MASTERS OR AS DISTRICT INSPECTORS OF SCHOOLS IN THE NORTH WEST FRONTIER PROVINCE.**

1090. **\*Lala Duni Chand:** Is it a fact that since 1901 not a single Hindu has been appointed throughout the whole North-West Frontier Province either as Head Master or as District Inspector and if so, do the Government propose to undo this wrong done to the Hindu community of the North-West Frontier Province?

**Mr. J. W. Bhore:** No. There are two Hindus officiating as Headmasters of Government High Schools.

**Nawab Sir Sahibzada Abdul Qaiyum:** Is it not a fact that a certain Hindu was appointed as District Inspector of Schools in the Bannu district but, that he refused to accept the appointment owing to the dangers of such an Inspector touring in the district?

**Mr. J. W. Bhore:** I really do not know; I must ask for notice.

**WORK DONE BY THE JUDICIAL COMMISSIONER, NORTH WEST FRONTIER PROVINCE AND A SINGLE JUDGE OF THE LAHORE HIGH COURT.**

1091. **\*Lala Duni Chand:** (a) Will the Government be pleased to lay on the table a comparative statement showing the work done by the Judicial Commissioner, North West Frontier Province, and a single Judge of the High Court, Punjab, respectively, during the years 1922-1923-1924-1925?

(b) How many cases were pending on the 1st January, 1926, in the Court of the Judicial Commissioner, North West Frontier Province?

**The Honourable Sir Alexander Muddiman:** (a) and (b). Statistics of work done by the Lahore High Court and the Judicial Commissioner's Court, North West Frontier Province, are available in the Civil and

Criminal Justice reports of the Punjab and North West Frontier Province. The latest information available is for the year 1924. No information is available in regard to work done by a single Judge of the Lahore High Court.

**OFFICIATING JUDICIAL COMMISSIONER, NORTH WEST FRONTIER PROVINCE.**

1092. **\*Lala Duni Chand:** Is it a fact that on Mr. H. Fraser, the permanent Judicial Commissioner, North West Frontier Province, going on leave last year there was found not a single capable judicial officer in the Political Department to officiate for him and therefore Colonel Frizelle, a District Judge from the Punjab, had to be imported?

**Sir Denys Bray:** Yes, of the qualified officers in the department none could be made immediately available.

**ADOPTION OF PERSIAN AS A COMPULSORY SUBJECT FOR THE 4TH PRIMARY CLASS IN HINDU AND SIKH SCHOOLS IN THE NORTH WEST FRONTIER PROVINCE.**

1093. **\*Lala Duni Chand:** (a) Will the Government be pleased to give reasons why Persian is made compulsory for the Hindu students of the 4th primary class in the Hindu and Sikh schools? Is it a fact that the majority of them have to give it up next year in favour of Hindi or Sanskrit?

(b) Do Government propose to recommend to the Education Department of the Frontier Province to keep Hindi as an alternative compulsory subject for the Hindu boys in the 4th Primary Class; if not, why not?

**Mr. J. W. Bhore:** (a) and (b). The information desired has been called for and will be communicated to the Honourable Member in due course.

**APPLICATIONS FOR CENTRAL STATE SCHOLARSHIPS FROM CANDIDATES IN THE NORTH WEST FRONTIER PROVINCE.**

1094. **\*Lala Duni Chand:** (a) Will the Government be pleased to state whether the Government provided for the selection of a State scholar this year for studies in England from the Group comprising the North West Frontier Province, British Baluchistan, Manpur, and Administered Areas in Native States?

(b) When was the North West Frontier Province Government asked by the Government of India to submit applications from candidates in that Province with their recommendations?

(c) Is it a fact that the Local Government, North West Frontier Province, wrote on the 14th December last to the Director of Public Instruction, North West Frontier Province, to submit his recommendation within an interval of less than a month from that date, which included the Christmas and New Year holidays when all offices were closed?

(d) Was any public notice given by the Local Government North West Frontier Province or the Director of Public Instruction inviting applications from the candidates in the North West Frontier Province?

(e) Were the Deputy Commissioners of the Districts asked to invite and submit applications from candidates in their Districts?

(f) How many applications were received from that Province?

(g) When did the Director of Public Instruction submit his recommendation?

(h) If the answers to (d) and (e) be in the negative, do Government propose to defer their final selection and ask the Local Government to submit other applications that may have been received or that may be received after public notice?

**Mr. J. W. Bhore:** (a) A candidate from the group mentioned was to have preference this year; but in the absence of a suitable candidate from a specified group, whose turn it is to receive preference, the Government of India are free to select a scholar from amongst the candidates nominated by local Administrations included in the other group.

(b) The Provisional Rules, which issued in May, 1925, laid down that applications should be submitted to the Government of India by the 15th of January every year. Government's policy in regard to the grouping of the several areas under their control for the purpose of this scholarship was, however, communicated to all local Administrations concerned, including the North West Frontier Province, on the 2nd December, 1925.

(c) Yes.

(d) Notices were issued by the Director of Public Instruction to the Principals of the two first grade colleges in the Province from which alone candidates could be obtained.

(e) No.

(f) Three applications were received in the office of the Director of Public Instruction of which only one was received before January 15th.

(g) January 12th, 1926.

(h) The Government of India have already awarded the scholarship to the nominee of the Chief Commissioner, North West Frontier Province.

#### RECRUITMENT FOR THE INDIAN RAILWAY SERVICE OF ENGINEERS AND THE PROVINCIAL ENGINEERING SERVICE.

1095. **\*Mr. Amar Nath Dutt:** (a) Is it a fact that the Railway Board is proposing to appoint men from outside by recruiting locally and from England, Assistant Engineers in provincial and imperial services as temporary and permanent Engineers in preference to the Supervisors and Sub-Engineers who are working now in the State Railways?

(b) If the answer be in the affirmative, will the Government be pleased to state the reasons for such recruitments?

**The Honourable Sir Charles Innes:** (a) and (b). Permanent appointments to the Indian Railway Service of Engineers are made by direct recruitment in England and in this country and to the Provincial Engineering Service by direct recruitment locally. Upper subordinates—i.e., Sub-Engineers and Supervisors—are, if deserving, promoted to the Provincial Engineering Service, and similarly Members of the Provincial Engineering Service are promoted to the Indian Railway Service of Engineers.

Temporary Engineers are appointed, not to the Indian Railway Service of Engineers or Provincial Engineering Service, but outside these services, when a temporary addition to the Engineering staff is necessary.

**Mr. B. Das:** May I know if Government will give effect to the policy of 75 per cent. Indianization in the recruitment of Engineers?

**The Honourable Sir Charles Innes:** Will the Honourable Member kindly repeat his question? I could not catch him.

**Mr. B. Das:** May I know if Government will give effect to their promise to this House of 75 per cent. Indianization in the recruitment of Indian Engineers who are to be recruited in England or in India?

**The Honourable Sir Charles Innes:** I should not have thought it necessary for the Honourable Member to ask that question, because when Government give a promise, they invariably carry it out.

#### PROMOTION OF SUPERVISORS TO THE GRADES OF SUB-ENGINEERS ON STATE RAILWAYS.

1096. **\*Mr. Amar Nath Dutt:** (a) Is it a fact that in the State Railways Supervisors of the first grade have not been promoted to the grades of Sub-Engineers for the last 5 years although there are vacancies in the Railways?

(b) If the answer be in the affirmative, will the Government be pleased to state why they have not been promoted?

**The Honourable Sir Charles Innes:** (a) No.

(b) Does not arise.

#### ABOLITION OF THE PROVINCIAL SERVICES ON RAILWAYS.

1097. **\*Mr. Amar Nath Dutt:** (a) Is it a fact that there is already a proposal in the Railway Board to do away with the provincial services or stop the promotion of subordinates to the provincial services?

(b) If so, why?

**The Honourable Sir Charles Innes:** (a) and (b). At a meeting of the Central Advisory Council held on 22nd August, 1925, the question of abolishing the provincial services was raised. The matter is still under examination.

#### SUPPLY OF SLEEPERS FOR THE GREAT INDIAN PENINSULA RAILWAY.

1098. **\*Sir Hari Singh Gour:** (a) Is it a fact that the Railway Board have given notice inviting tenders for the supply of jarrah wood sleepers worth Rs. 2,20,000 for the use of the Great Indian Peninsula Railway as published in the *Indian Trade Journal* of the 4th February, 1926?

(b) Is it a fact that the Government received a protest from the Burma Indian Chamber of Commerce against the practice of inviting tenders for the supply of foreign sleepers although teak wood and jungle wood suitable for railway sleepers is available in abundance in India and Burma?

(c) Will the Government be pleased to state why tenders were not invited for sleepers made of Indian wood?

(d) At what rate are jarrah wood sleepers sold and what will be the approximate cost of the quantity for which tenders have been invited?

(e) What is the relative cost of jarrah wood and Indian wood sleepers, and what is the life of each?



**The Honourable Sir Charles Innes:** (a) The fact is that the Agent, Great Indian Peninsula Railway, has invited tenders for the supply of 229,000 jarrah wood sleepers.

(b) Yes.

(c) The Chief Engineer of the Great Indian Peninsula Railway's original estimate for the year 1926-27 for main line sleepers from Eastern Group was 175,000, and an indent for this quantity was placed with the Sleeper Control Officer, Eastern Group, and he was asked to supply 6,000 sal wood and 169,000 Burma teak sleepers. The price quoted for teak sleepers was, however, prohibitive and as at this time the Sleeper Control Officer, Eastern Group, was not able to give any definite information as to delivery of sal wood sleepers it was decided to advertise for jarrah wood sleepers. At the same time, however, as the advertisement was inserted in the papers for the jarrah wood sleepers, the Sleeper Control Officer, Eastern Group, was asked if he was in a position to supply all or part of the requirements in sal wood sleepers. In the event of sal wood sleepers being available at a favourable rate and on favourable terms of delivery no action will be taken on the tenders for jarrah wood sleepers.

(d) The latest quotation available for jarrah wood sleepers is Rs. 8 each and the total cost of the quantity required would, therefore, be Rs 18,32,000.

(e) The latest figures available for the cost of jarrah wood and Indian hard wood sleepers are as follows:

Jarrah—Rs. 8 c.i.f.

Deodar—Rs. 6-15-0 f.o.r.

Sal—Rs. 8 f.o.r.

Teak—Rs. 11-8-0 c.i.f. Calcutta.

As all the sleepers in question are required for the Bombay end of the Great Indian Peninsula Railway, not only is the price of deodar sleepers, when freight is taken into consideration, prohibitive, but in the Bombay climate they require renewal about every 8 years. They are, therefore, not an economic proposition. As regards the life of each sleeper, the Honourable Member is referred to the reply given on 24th March, 1923, to part (3) of his question on the same subject.

#### SUPPLIES OF BUNKER COAL AT BOMBAY AND KARACHI FOR GOVERNMENT TROOPSHIPS AND HIRED TRANSPORTS.

1099. **\*Khan Bahadur W. M. Hussanally:** (1) Is it a fact that Government troopships and hired transports usually take their supplies of bunker coal at Bombay or Karachi?

(2) Will Government be pleased to state the names of the firms at either of these places from whom such supplies were taken during the three years 1922-23, 1923-24, and 1924-25, as also the quantities, descriptions of coal and rates of such supplies?

(3) Is it a fact that the coal supplied to several such hired troopships and transports during the season 1923-24 at Bombay and Karachi was found to be of defective description and unsatisfactory quality? If so, will Government please name the vessels that were supplied with such unsatisfactory bunkers?

(4) Will Government be pleased to state the names of the firms who supplied such defective bunkers?

(5) Will Government be pleased to state what action, if any, was taken against the firms concerned for the unsatisfactory supplies effected by them, and referred to in part (3)?

(6) Will Government be pleased to state whether tenders were invited for supplies to troopships and transports at both the ports mentioned above during the season 1924-25? If not, how were the supplies arranged for?

**Mr. E. Burdon:** (1) Yes, Sir.

(2) I lay on the table a statement which gives the information desired by the Honourable Member.

(3), (4) and (5). The reply is in the negative so far as Bombay is concerned. As regards Karachi, the only complaint received was about the supply of coal to a single ship in February, 1924. No action was taken against the contractor on that occasion; the report showed that the coal supplied was small and dusty, rather than defective in quality.

(6) The answer to the first part of the question is "Yes". The second part does not arise.

*Statement giving the information desired in part (2) of starred question No. 1099.*

Period and station.	Name of firm by whom coal was supplied.	Quantity.	Description.	Rate per ton.
<b>1922-23.</b>		Tons.		Rs. As.
Bombay . . .	Messrs. Cowasjee Framjee and Company.	3,550	Welsh, 2-3rd large and 1-3rd small.	39 0
Karachi . . .	Messrs. Cowasjee and Sons	1,600	Ditto.	38 10
<b>1923-24.</b>				
Bombay . . .	Messrs. Cowasjee Framjee and Company.	( 1,600 2,500	Ditto. Welsh, all large.	34 0 38 0
Karachi . . .	Messrs. Cowasjee and Sons.	1,130	Welsh, 2-3rd large and 1-3rd small.	36 0
<b>1924-25.</b>				
Bombay . . .	Messrs. Hiralal Himatlal & Sons.	4,088	Welsh, all large.	36 0
Karachi . . .	Messrs. Cowasjee and Sons.	443	Best Welsh	33 0

**Khan Bahadur W. M. Hussanally:** May I put a supplementary question, Sir.

(1) Is it a fact that in spite of this unfavourable record of the firms responsible for the unsatisfactory supplies, they have been allowed to make further supplies for Government troopships and transports?

(2) If so, will Government be pleased to state the reasons which induced them to place further orders with firms with such an unsatisfactory record?

(b) In view of the unsatisfactory results of the existing method of obtaining such supplies, which involves loss to the public revenues, will Government be pleased to issue instructions to the Department concerned invariably to invite tenders for their future requirements?

**Mr. E. Burdon:** Sir, I think the question is long enough to justify me in asking for notice of it.

IMPOSITION UPON AMERICANS RESIDENT IN INDIA OF DISABILITIES  
SIMILAR TO THOSE IMPOSED UPON INDIANS IN THE UNITED STATES  
OF AMERICA.

1100. **\*Mr. Gaya Prasad Singh:** With reference to starred question No. 724 of the 9th February, 1926, regarding the ineligibility of Indians for naturalization in the United States of America, do Government propose to impose upon the American residents in India similar disabilities as have been imposed upon Indians in America by virtue of the decision of the Supreme Court? If not, why not?

**The Honourable Sir Alexander Muddiman:** The question is being examined.

CANADA AND THE LOCARNO PACT.

1101. **\*Mr. Gaya Prasad Singh:** Is it a fact that the Government of Canada has decided to introduce a Resolution in her Legislature declaring that Canada dissociates herself from the obligations of the Locarno Pact?

**Sir Denys Bray:** Government have no information, but inquiries are being made.

**Mr. Devaki Prasad Sinha:** May I ask a supplementary question, Sir. Is Government a masculine gender or a feminine gender.

**Sir Denys Bray:** It depends on what Government it is.

THE SOUTH AFRICAN LIQUOR LAW AMENDMENT BILL.

1102. **\*Mr. C. S. Ranga Iyer:** (a) Is it a fact that the Minister of Justice, Union Government, South Africa, has published a Bill to amend the Liquor laws of the Union?

(b) Will the Government be pleased to lay on the table a copy of the full text of the Bill?

(c) Have the Government examined the Bill in all the aspects affecting Indians in South Africa?

(d) What is the object of the Bill?

(e) Is it a fact that if the Bill be passed, it will prevent the employment of Asiatics and Natives of South Africa in any occupation connected with the manufacture, sale or distribution of intoxicating liquor?

(f) Is it a fact that if the Bill becomes law, it will prevent the employment of Indians in breweries, distilleries or hotels?

(g) Is it a fact that a large number of Indians are employed in the manufacture, sale and distribution of intoxicating liquor?

(h) Is it a fact that such Indians are the indigenous inhabitants of South Africa, born of Indian parents who had become domiciled in South Africa?

(i) Is it a fact that the passing of this Bill will throw out of employment a large number of Indians?

(j) Have the Government made any representation to the Union Government on this subject, and if so, with what result?

(k) Have the Government of India issued special instructions to the members of their deputation in South Africa? If so, what are the instructions? If not, why not?

(l) What is the number of Indians who will be thrown out of employment as a consequence of the passing of the Colour Bar Bill and the Liquor Law Amendment Bill?

(m) How do the Government propose to remedy the evil?

**Mr. J. W. Bhore:** I regret I am not in a position to add anything on the subject of the Liquor Law Amendment Bill and the Colour Bar Bill to the replies which I gave to private questions Nos. 1 and 3 asked by Pandit Motilal Nehru on the 23rd February, 1926. The text of the former Bill, which was despatched from Cape Town on February 11th, has not yet reached the Government of India.

#### NOMINATIONS OF DELEGATES FOR THE 8TH AND 9TH SESSIONS OF THE INTERNATIONAL LABOUR CONFERENCE AT GENEVA.

1103. **\*Mr. C. S. Ranga Iyer:** (a) Are Government aware that questions relating to shipping are to come up before the 8th and 9th sessions of the International Labour Conference at Geneva in May-June next?

(b) Will the Government be pleased to state if they propose to send as delegate and adviser qualified Indians in active touch with Indian shipping to represent India at the said Conference?

(c) Will the Government be further pleased to state if they have received any communications from Indian commercial bodies relating to nominations to the said Conference? If so, from whom? How many communications were received till the 22nd February, 1926?

**The Honourable Sir Bhupendra Nath Mitra:** (a) Yes.

(b) I must ask the Honourable Member to wait and see.

(c) Yes. I must remind the Honourable Member that the date fixed by the Government of India as the last date for receiving nominations was 15th January, 1926. Up to that date nominations for the Employers' delegate had been received by the Government of India from the Bengal, Bombay and the United Provinces Chambers of Commerce, the Indian Merchants Chamber, Bombay, and the Buyers and Shippers Chamber, Karachi.

**Mr. C. S. Ranga Iyer:** Were any representations received after that date?

**The Honourable Sir Bhupendra Nath Mitra:** Will the Honourable Member kindly speak up?

**Mr. C. S. Ranga Iyer:** Were any representations received after that date?

**The Honourable Sir Bhupendra Nath Mitra:** Louder still, I am very sorry.

**Mr. C. S. Ranga Iyer:** Were any representations made after that date to which the Honourable Member referred?

**The Honourable Sir Bhupendra Nath Mitra:** Yes.

**Mr. C. S. Ranga Iyer:** Have the Government chosen the representatives who are to go?

**The Honourable Sir Bhupendra Nath Mitra:** I am very sorry, Sir, I cannot still hear the Honourable Member. If he will kindly put that question down, I shall be in a better position to answer it.

**Mr. C. S. Ranga Iyer:** Have Government chosen their representatives?

**The Honourable Sir Bhupendra Nath Mitra:** Yes.

#### THE MADRAS LAND REVENUE BILL.

1104. **\*Mr. A. Rangaswami Iyengar:** Will the Government be pleased to state whether they have come to any decision in regard to the draft Land Revenue Bill for the Madras Presidency now under consideration? If so, will they please state whether they have accepted the proposals of the Madras Government and if not in what respects they propose alterations in the said Bill? Will the Government be pleased to state whether they have any information as to when the Bill is proposed to be introduced in the Madras Legislative Council?

**Mr. J. W. Bhore:** No. The views of the Madras Government in regard to the points which have been referred for their further consideration have not yet been received. I regret I am not in a position to give any further information on the subject at this stage or to say when the Bill is likely to be introduced in the Madras Legislative Council.

**Diwan Bahadur T. Rangachariar:** In connection with the recommendations of the Taxation Inquiry Committee, may I ask whether the Government intend to appoint a Committee of the House to go into that Report?

**The Honourable Sir Basil Blackett:** I am not quite sure where that question arises from.

**Diwan Bahadur T. Rangachariar:** One of the proposals of the Taxation Inquiry Committee is . . . .

**The Honourable Sir Basil Blackett:** That is the next question.

#### RECOMMENDATIONS OF THE TAXATION INQUIRY COMMITTEE ON THE SUBJECT OF LAND REVENUE.

1105. **\*Mr. A. Rangaswami Iyengar:** Will the Government be pleased to state whether they have considered the recommendations of the Taxation Inquiry Committee along with the draft Land Revenue Bill and if so whether any recommendations which they have made with reference to land revenue will be put before the Provincial Government of Madras for consideration in connection with the final draft of the Bill to be placed before the Madras Legislative Council?

**Mr. J. W. Bhore:** The recommendations which have been made by the Taxation Inquiry Committee on the subject of land revenue will be taken into consideration both by the Madras Government and the Government of India before the final draft of the Bill is placed before the local Council.

**Diwan Bahadur T. Rangachariar:** May I repeat that question, Sir?

**The Honourable Sir Basil Blackett:** I am afraid I must ask the Honourable Member to repeat it once more on paper.

**Diwan Bahadur T. Rangachariar:** On paper?

REDRESS OF MUSLIM GRIEVANCES REFERRED TO IN THE *ALAMAN* OF  
DELHI, DATED THE 23RD DECEMBER, 1925.

1106. **\*Maulvi Muhammad Yakub:** Has the attention of Government been drawn to an article in the *Alaman* of Delhi, dated the 23rd December, 1925? If so, will Government kindly state what action has been taken on it to redress Muslim grievances?

**Mr. J. W. Bhore:** The article has now been brought to the notice of Government. The Honourable Member may rest assured that the claims of his community will be equitably dealt with.

STAFF OF THE VARIOUS SCHOOLS IN THE DELHI PROVINCE.

1107. **\*Maulvi Muhammad Yakub:** (a) Are the following figures with regard to the staff of the various schools in the Delhi province correct:

	Hindus.	Muhammadans.	TOTAL.
Municipal Board Schools . . . .	103	23	126
District Board Schools . . . .	140	11	151
Imperial Delhi Capital Committee Middle School, Raisina.	10	3	13
TOTAL	253	37	290

(b) If the above figures are incorrect, will Government kindly give exact figures?

**Mr. J. W. Bhore:** (a) The figures are for practical purposes correct.

(b) Does not arise.

APPOINTMENT OF MUHAMMADANS AS DISTRICT INSPECTOR AND TEACHERS  
IN THE DELHI PROVINCE.

1108. **\*Maulvi Muhammad Yakub:** (a) Is it a fact that prior to 1886 Muhammadans were predominant in the educational service in Delhi?

(b) Is it a fact that since 1886 education in Delhi has been wholly in the charge of Hindu Inspectors, District Inspectors and that no Muhammadan has ever been appointed as Inspector or District Inspector in this province?

(c) Do Government propose to appoint a Muhammadan District Inspector and to increase the number of Muhammadan teachers?

**Mr. J. W. Bhore:** (a) No.

(b) No.

(c) The Chief Commissioner, Delhi, will bear in mind the points referred to by the Honourable Member.

**Manvi Mohammad Yaqub:** Is it not a fact that before 1884 the number of Mussalman teachers was 47 out of 150, the total number?

**Mr. J. W. Bhore:** I do not carry the figures in my head. I must really ask for notice of that question.

ALLEGED RUDE BEHAVIOUR OF A GUARD AT BEGU SARAI ON THE  
BENGAL AND NORTH WESTERN RAILWAY TO BABU RAJINDRA  
PRASAD.

1109. **\*Mr. Gaya Prasad Singh:** (a) Has the attention of the Government been drawn to the *Searchlight* of Patna, dated the 3rd February, 1926, in which there is published a letter of Babu Rajindra Prasad, complaining of the ill-treatment and rude behaviour of a guard at Begu Sarai on the Bengal and North Western Railway?

(b) What are the facts of the case, and what steps have the Government taken in the matter?

**The Honourable Sir Charles Innes:** (a) and (b). Thanks to the courtesy of the Honourable Member himself, the Government have now seen the letter referred to. They note that it is addressed to the Traffic Manager of the Railway who is fully competent to deal with the matter and who will no doubt take such action as is necessary.

**Mr. Gaya Prasad Singh:** Will the action taken on the matter be reported to this House?

**The Honourable Sir Charles Innes:** No.

MUSLIM REPRESENTATION IN THE IMPERIAL SERVICES IN THE BOMBAY  
PRESIDENCY.

1110. **\*Khan Sahib M. E. Makan:** (a) Has the attention of the Government been drawn to the address which was presented by the Anjumane Islam Broach District to His Excellency the Governor of Bombay on the 3rd February, 1926?

(b) Do the Government propose to provide for the Musulmans more appointments in the Imperial services of that Presidency?

**The Honourable Sir Alexander Muddiman:** (a) I have seen a newspaper report of the reply given by His Excellency the Governor of Bombay to the address to which the Honourable Member refers, but have been unable to obtain a copy of the address itself.

(b) I am afraid that I have nothing to add to the announcement made by me in another place on the 2nd March, 1925, and my reply in this House to question No. 1276 on the 24th March, 1925, in which the policy of Government was fully explained.

THE WORKS AND MINES ACT AMENDING BILL IN SOUTH AFRICA.

1111. \*Mr. O. S. Ranga Iyer: (a) Has the attention of the Government been drawn to the Mines and Works Act 1911 Amending Bill introduced by the Union Government in their Legislature?

(b) Does the Bill restrict the employment in or about mines, works and machinery to Europeans, coloured persons and Malays excluding Asiatics and the Natives of South Africa?

(c) Is it a fact that the Bill introduces a statutory economic bar in South Africa which did not exist there hitherto?

(d) Is the Bill so comprehensive as to include any and every industry? What industries are outside its scope?

(e) (i) Did the Bill meet with the opposition of General Smuts in 1925?

(ii) Will the Government be pleased to place the text of General Smuts' speech on the table?

(iii) Did General Smuts not approve of the ban on Indians?

(f) Did the Government of India make any representation to the Union Government on this particular subject? If yes, with what result? Will they place the representation on the table and the reply thereto; if any, from the South African Government?

Mr. J. W. Bhore: (a) The reply is in the affirmative.

(b) The Bill empowers the Governor General in making regulations regarding the grant, cancellation, and suspension of certificates of competency to managers, overseers and surveyors in mines, mechanical engineers, engine drivers, blasting miners, and such other persons employed in or about mines, works, or machinery as may be required to be in possession of certificates of competency, to prescribe that in such provinces or areas as may be specified such certificates shall be granted only to Europeans, Cape Coloured, and Cape Malays. It also empowers him in making other regulations under the Mines and Works Act to restrict certain classes of work to and impose duties and responsibilities on the above classes of persons, provided that they furnish such proofs of efficiency as may be prescribed, and generally to apportion work as between the above classes and other persons respectively in respect of mines, works and machinery.

(c) In the regulations made under the Mines and Works Act, a number of discriminations were previously in force as between white and coloured persons, particularly in respect of the Transvaal and Orange Free State. But in the case *Rex v. Hildick-Smith* the Transvaal Provincial Division of the Supreme Court in 1923 held that no power was conferred either in express terms or by necessary implication to discriminate under this law against coloured persons on the ground of their colour. In regard to mines, works and machinery, therefore, such economic bars as previously existed were not statutory.

(d) The definitions of mines, works and machinery are so wide as to be capable of covering practically all industries.

(e) Yes. A copy of General Smuts' speech has been placed in the Library of the House.

(f) Yes. Government made representations last year with the result that the wording of the Bill was altered and Asiatics and Natives were no longer directly referred to. They have recently made further representations but are not in a position to place the correspondence on the table.



**Mr. C. S. Ranga Iyer:** Will Government place those representations on the table?

**Mr. J. W. Bhore:** I have just said that we are not yet in a position to place the correspondence on the table.

**Mr. C. S. Ranga Iyer:** When will Government be in a position to do so?

**Mr. J. W. Bhore:** I regret I cannot tell him now.

**Mr. C. S. Ranga Iyer:** Are Government considering the desirability of placing those representations on the table at an early date?

**Mr. J. W. Bhore:** The correspondence, Sir, cannot be placed on the table until the negotiations have been brought definitely to a conclusion one way or the other.

**Mr. C. S. Ranga Iyer:** Are the Government aware that there is intense feeling in the matter throughout the country?

**Mr. J. W. Bhore:** I am quite aware of it, Sir.

**Mr. C. S. Ranga Iyer:** That is all the more reason why the Honourable Member should place the representations on the table.

#### ALLEGED INTERCEPTION OF MONEY ORDERS ADDRESSED TO THE HEAD OFFICE OF THE CENTRAL JAMIAT TABLIGH-UL-ISLAM, AMBALA.

1112. **\*Mr. Abdul Hays:** 1. Are Government aware that there is a registered association of Mussalmans of India called the Central Jamiat Tabligh-ul-Islam, which has been constituted for religious propaganda and to avert apostasy among Moslems, and that it has its head office at Ambala City in the Punjab?

2. (a) Is it a fact that in the years 1924-25 numerous complaints were made to the postal authorities, by the General Secretary of the Jamiat Tabligh-ul-Islam at Ambala City, that money orders sent to his address, from various parts of the country were being designedly and systematically intercepted by some mischievous employees of the Post Office?

(b) Did the postal authorities inquire into these complaints, and was it established that in many cases the money orders addressed to this Association were found missing? Have they been able to lay their hands upon the culprit or culprits responsible for this mischief?

(c) Do Government propose to make a full statement as regards the inquiries made and the conclusions arrived at by the authorities concerned?

#### DATES OF PAYMENT OF CERTAIN MONEY ORDERS ADDRESSED TO THE SECRETARY, CENTRAL JAMIAT TABLIGH-UL-ISLAM, AMBALA.

1113. **\*Mr. Abdul Hays:** Will the Government please lay a statement on the table showing whether the following money orders have been duly paid to the Secretary, Central Jamiat Tabligh-ul-Islam, Ambala? If so, will the Government be pleased to give the dates of payment of the money orders, pointing out in each case the delay caused and the reasons

for the belated payments, and whether the payments were made by means of original or duplicate forms?

- (a) Money Order No. 4044, dated 21st July 1925, for Rs. 21, sent from Nowshera by one Mr. Fazl-i-Karim.
- (b) Money Order No. 7862, dated 15th August 1925, for Rs. 20, sent from General Post Office, Bombay, by one Syed Mohd. Ishaq Shah.
- (c) Rs. 50-8-0 sent by Syed Innayat Ali from Banat District, Muzaffarnagar, on 12th August 1925.
- (d) Money Order for Rs. 15, sent by the Superintendent, All-India Moslem Educational Conference Office, Aligarh, on 26th August 1925, from Aligarh.
- (e) Another Money Order for Rs. 15 by the same, sent on 2nd September 1925, from Aligarh.
- (f) Money Order for Rs. 128, sent by one Minhaj-ud-Din Naib Tehsildar, Tonk. The date of first information to office of destination (Ambala) being 1st March 1924.
- (g) Money Order for Rs. 5 sent by M. Md. Ismail, Auditor, Gujranwala. Date of first information to office of destination 21st April 1924.
- (h) Money Order for Rs. 20, sent by one Tufail Ahmed, Delhi. Date of first information 23rd April 1924.
- (i) Money Order for Rs. 25, sent by M. Ali Mohd., A. D. I. Schools, Garhshanker, Hoshiarpore District. Date of first information to office of destination is 19th May 1924.
- (j) Money order for Rs. 40, sent by M. Asraf Beg, Pay Office, Police Sialkot. Date of first information 30th May 1924.
- (k) Money Order No. 1570, dated 20th October 1925, sent from Gogra City P. O., by M. Mohd. Husain, Canal Munshi.
- (l) Money Order No. 4056, dated 3rd November 1925, sent from Simla P. O., by M. Chiragh Din, Clerk, Simla P. O.
- (m) Money Order No. 3745, dated 18th November 1925, sent from Jhang City Sub-office, by Syed Mehr Ali Shah, Pensioner, Sub-Inspector of Post Offices.

LOSS OF MONEY ORDERS ADDRESSED TO THE SECRETARY, JAMIAT  
TABLIGH-UL-ISLAM, AMBALA.

1114. **\*Mr. Abdul Haye:** Is it a fact that on complaints made by the Secretary of the Jamiat Tabligh-ul-Islam the Postmaster, Ambala, in his letter No. C.M.O./966, dated 17th November, 1925, said that the loss of a money order was nothing unusual and he further asked the Secretary to receive remittances in insured covers instead of by means of money orders? Is it a fact that the Postmaster in this letter also pointed out that such complaints instead of mending matters were likely to increase the trouble?

LOSS OF MONEY ORDERS ADDRESSED TO THE SECRETARY, JAMIAT  
TABLIGH-UL-ISLAM, AMBALA.

1115. **\*Mr. Abdul Haya:** Will the Government please state if there is also any other individual or Association in Ambala who has lost so many money order remittances in 1924-25 as the Secretary of the Central Jamiat Tabligh-ul-Islam at Ambala City?

DISCOURAGEMENT OF REMITTANCES BY POSTAL MONEY ORDERS.

1116. **\*Mr. Abdul Haya:** Is it a fact that the Government want to discourage remittances being sent by means of postal money orders? If not why did the Postmaster, Ambala, suggest this course in his letter No. C. M. O./866, dated 17th November 1925?

**The Honourable Sir Bhupendra Nath Mitra:** With your permission, Sir, I will answer questions Nos. 1112 to 1116 together.

Government have seen in the Press references to the Association named by the Honourable Member, which is described as a registered association.

The reply to the first part of question No. 1116 is in the negative.

The other matters referred to in these questions are being investigated and I will inform the Honourable Member of the result in due course.

RECORDS MAINTAINED BY THE POSTAL DEPARTMENT OF MONEY ORDERS  
DURING TRANSIT.

1117. **\*Mr. Abdul Haya:** (a) Is it a fact that in the Postal Department, at present no record is maintained of money orders during transit, and hence it is very easy for postal employees to intercept money order forms without running the risk of being detected?

(b) If the answer to part (a) is in the affirmative, what steps do the Government propose to remedy this defect?

**The Honourable Sir Bhupendra Nath Mitra:** (a) No record is maintained of money orders during transit. Unless there are six or more money orders for any one office, they are sent loose and treated like ordinary letters. It is true that money orders sent loose can be intercepted without much risk of detection. But ordinarily the risk is negligible because postal employees are not interested in money orders in transit. The incident referred to in the previous questions by the Honourable Member, if true, is exceptional.

(b) The system of sending money orders loose has not been found to be defective.

MEMORIALS SUBMITTED TO THE AGENT OF THE NORTH WESTERN  
RAILWAY.

1118. **\*Mr. S. Sadiq Hasan:** Will the Government please state what branches of the North Western Railway Traffic Department submitted their memorials to the Agent in the year 1925?

MEMORIALS OF THE BOOKING CLERKS OF THE NORTH WESTERN  
RAILWAY.

1119. **\*Mr. S. Sadiq Hasan:** Will the Government please state what action, if any, has been taken by the North Western Railway administration in respect of the memorials submitted by the booking clerks' section in July 1925?

**NUMBER OF EUROPEANS EMPLOYED IN THE TRAFFIC BRANCH OF THE  
NORTH WESTERN RAILWAY.**

1120. **\*Mr. S. Sadiq Hasan:** (a) Will the Government please state whether there are any Europeans employed in the Traffic Branch of the North Western Railway?

(b) Is it a fact that Europeans are not allowed in this branch because of the small salaries and scanty prospects?

**INCREASE OF AUDIT WORK IN THE TRAFFIC DEPARTMENT OF THE  
NORTH WESTERN RAILWAY.**

1121. **\*Mr. S. Sadiq Hasan:** Will the Government please state whether there has been any increase of audit work in the Traffic Department of the North Western Railway during the last five years?

**BOOKING CLERKS OF THE NORTH WESTERN RAILWAY.**

1122. **\*Mr. S. Sadiq Hasan:** 1. Will the Government please state the total amount of shortages and deficits and other debits which were charged to the clerks of the booking clerks' section of the North Western Railway administration during the last five years?

2. (a) Will the Government be pleased to state whether any higher posts are open to the employees of this section?

(b) If the answer to part 2 (a) is in the affirmative will the Government be pleased to state how many members of this section have been appointed to these higher posts during the last five years? If not, why?

3. Will the Government please state the total number of clerks in this branch and also the number at present drawing the maximum pay, sanctioned under the rules?

4. Will the Government be pleased to state whether any committee has yet been appointed to inquire into their grievances with a view to redress them at an early date?

**The Honourable Sir Charles Innes:** Sir, with your permission, I propose to reply to questions Nos. 1118 to 1122 together.

The Government have no information on the points raised in the first four questions and in parts 1 to 3 of the fifth question and they do not propose to inquire. The answer to part 4 of the last question is in the negative.

**MAULVI FAZIL AND SANSKRIT TEACHERS IN THE NORTH WEST FRONTIER  
PROVINCE.**

1123. **\*Mr. S. Sadiq Hasan:** (a) Is it a fact that the grade of Maulvi Fazil and Sanskrit teachers in the North West Frontier Province is lower than the grade of Maulvi Fazil and Sanskrit teachers in the Punjab?

(b) Do Government propose to consider the question of raising their grades and bringing them to a level with the Punjab?

**Mr. J. W. Bhore:** (a) In the North West Frontier Province, Munshi Fazil, Maulvi Fazil and Sanskrit teachers are appointed on Rs. 40 per mensem in the grade of Rs. 40—4/2—60. They can rise to Rs. 100 in the grade of Rs. 70—6/2—100.

So far as is known the ordinary rates in the Punjab are not more favourable, being Rs. 35—3—50 and Rs. 55—3—70. The highest grades in the Punjab, *viz.*, Rs. 110—5—135 and Rs. 140—10—190, are very few and it is understood that they are reserved for specially qualified men holding posts requiring greater literary attainments than are needed in ordinary Government schools like those in the North-West Frontier Province.

(b) The question of improving the pay of oriental teachers in the North West Frontier Province was considered, but had to be dropped owing to the retrenchment consequent on the recommendations of the Inchcape Committee.

#### FACILITIES FOR FIRMS IN INDIA TO TENDER FOR GOVERNMENT CONTRACTS IN CROWN COLONIES.

1124. **\*Mr. W. S. J. Willson:** 1. Has the attention of Government been drawn to the serious harm done to Indian trade by the attitude of the Crown Agents to the Colonies in London and, in particular, to the fact that orders which were until very recently placed direct by the Iraq Government with Indian manufacturers have now to go through the Crown Agents in London?

2. With reference to the reply by the Crown Agents to the representation on this subject made by the Government of India in April last, will Government be pleased to indicate what further steps they propose to take in order to remove the difficulties placed in the way of Indian manufacturers by the action of the Crown Agents to the Colonies?

**The Honourable Sir Charles Innes:** (1) and (2). The resolution and discussion at the meeting of the Associated Chambers of Commerce in December 1924, on the subject of giving more facilities for firms in India to tender for Government contracts in Crown Colonies were forwarded to London with support. In that discussion the case of Iraq was also stated. The Colonial Office replied that they had given their most careful consideration to this request and that they did not consider any alteration in the present procedure whereby orders were placed and inspection was arranged for by the Crown Agents was practicable. The Crown Agents are prepared, as they always have been, to place on their list suitable manufacturers in India who apply to them and to invite them to quote when opportunities occur. This reply was communicated to the Associated Chambers and the Government do not consider that any further action can usefully be taken by them.

#### TENDERS FOR SLEEPERS FOR THE LLOYD BARRAGE.

1125. **\*Mr. Harchandral Vishindas:** 1. Are Government aware, that the lowest tenderer for the contract of Lloyd Barrage sleepers who was the subject matter of my starred questions Nos. 567 and 568 answered on the 2nd February 1926, has been for long on the approved list of the Indian Stores Department, P. W. D. in Sind, Lloyd Barrage, Karachi Municipality, Karachi Port Trust, Karachi Customs, North Western Railway and others, whereas that the contractor whose tender was actually accepted by the Controller of Purchases, Karachi, was only recently brought by that Controller on his list?

2. Are Government aware that the tenderer whose tender was actually accepted was the fourth lowest tenderer and not the second lowest, as erroneously stated by me?

3. If so, will Government be pleased to state why the successful tenderer was allowed to leap over the heads of three lower tenderers?

4. Do all these three tenderers labour under the disability of not being in a position to fulfil the provisions of this particular tender, the explanation surmised by the Honourable the Government Member in answer to Sir Hari Singh Gour's supplementary question appearing at page 600 of this year's official report?

5. Is it a fact that the Controller of Purchases, Karachi, sent a tabulated list of tenderers including all the above-mentioned three lower tenderers to the Executive Engineer, No. 2 Division, Larkana, for whose requirements these tenders were called?

6. Did the said Executive Engineer write the Purchases Controller, Karachi, that orders were placed with the lowest tenderer the firm of Messrs. Hiranand and Dowlatram and that the contractor should be expedited to supply early and notwithstanding this the Karachi Purchases Controller gave the contract to the fourth lowest tenderer?

7. Is it true that the accepted tender was for the supply of Calicut sleepers, whilst the lowest tender was for the supply of Kalpanee sleepers, which is superior stuff?

8. Is it true that the lowest tender was for Rs. 8,925, whilst the accepted tender was about Rs. 1,000 higher?

9. Is it true that after the action of the Karachi Controller was unfavourably commented upon by the Karachi Press, both Anglo-Indian and Indian, the lowest tenderers, the firm of Hiranand and Dowlatram was boycotted by the Karachi Controller by not inviting tenders from them although the Chief Controller of Stores, Delhi, continues inviting tenders from them?

10. If the answer to part 9 is in the affirmative, what action do Government propose to take against the Controller of Purchases, Karachi, to prevent the recurrence of such retaliation?

**The Honourable Sir Bhupendra Nath Mitra:** (1) Government are aware of the dates on which the two firms in question were brought on to the approved list of contractors of the Indian Stores Department. but have no information in regard to the dates of their registration on the approved lists of other departments. In any case these dates would not affect the award of a contract.

(2) I have had the matter further examined and find the answer is in the negative. The tenderer whose tender was accepted was the second lowest tenderer as previously stated.

(3) and (4). Do not arise.

(5) The Controller of Purchases, Karachi, sent a tabulated list of all tenders received to the Executive Engineer, No. II Division, Larkhana.

(6) I would refer the Honourable Member to the reply given by me to part (2) of question No. 981 on the 26th February, 1926, by Khan Bahadur W. M. Hussanally.

(7) The origin of the sleepers quoted for was not mentioned in either of the tenders which were merely for pen wood sleepers as specified in the invitation to tender.

(8) No. The lowest tender was for Rs. 8,925 and the accepted tender was originally Rs. 9,260.

(9) In withholding tenders from the firm of Hiranand Daulat Ram the Controller at Karachi is acting under instructions issued to him by the Chief Controller of Stores. By an oversight tenders have been called for from that firm by the Chief Controller himself, but no orders have been placed with them recently.

(10) Does not arise.

#### EXPENDITURE ON REPAIRS TO THE CHURCH AT HOSHANGABAD.

1126. **\*Pandit Shambhu Dayal Misra:** (a) Will the Government be pleased to state whether there is a church building at Hoshangabad, constructed at the cost of the State and when it was constructed?

(b) Will the Government be pleased to state whether that church is in the course of reconstruction, and to state also the probable cost of the same?

(c) Is it a fact that no troops are stationed at Hoshangabad, and that there is no probability of their being stationed there? If so, will the Government be pleased to state why the church is being reconstructed or money spent on its repairs?

(d) Will the Government be pleased to state the number of Europeans in Hoshangabad, officials and non-officials (if any) who require the use of this church?

**The Honourable Sir Charles Innes:** (a) to (d). There is a church at Hoshangabad which belongs to Government. It was constructed in 1866, partly at Government and partly at private cost. The church is not being reconstructed, but is under special repairs which have been undertaken owing to report that the condition of the building was unsafe. The estimated cost of repairs is Rs. 8,061. The number of Europeans and others including families using the church is approximately twenty.

#### NUMBER OF WIRELESS LICENCES FOR AMATEUR TRANSMISSION GRANTED IN BRITISH INDIA.

1127. **\*Colonel J. D. Crawford:** Will the Government be pleased to state what wireless licences for amateur transmission are granted in British India?

**The Honourable Sir Bhupendra Nath Mitra:** 79 private persons have been granted non-commercial licenses, class one, which authorise the licensee to transmit for experimental or instructional purposes but prohibit the transmission of broadcast matter which is defined in the license to be "concerts, lectures, educational subjects, weather reports, theatrical entertainments and other matter (including news and other information) from time to time approved by the Director General of Posts and Telegraphs". Eight of these licensees have however applied for and been granted authority to transmit music since this is technically desirable for certain tests of wireless telephones.

2. The Radio Clubs of Bengal, Bombay, Madras, Rangoon and Karachi have been granted non-commercial licenses, class one, with a special schedule authorising the transmission of Broadcast Matter. The licensee is the President of the Club concerned who is responsible for the matter broadcasted.

All non-commercial licenses specify the licensed apparatus and the place at which such apparatus may be established, maintained and worked.

## UNSTARRED QUESTIONS AND ANSWERS.

### SHORTAGE OF ACCOMMODATION FOR OFFICIALS AT RAISINA.

202. **Mr. K. C. Neogy**: Will Government be pleased to state if it is a fact that the accommodation required for officials at Raisina next cold weather is likely to be 25 per cent. to 30 per cent. short of requirements?

**The Honourable Sir Bhupendra Nath Mitra**: The answer is in the affirmative.

### RUNNING OF THE WESTERN HOSTEL, RAISINA, AS A HOTEL BY SOME COMPANY OR CONTRACTOR.

203. **Mr. K. C. Neogy**: Is it a fact that after advertising for tenders in order that the Western Hostel might be run as a hotel by some company or contractor, Government withdrew the offer? If so, why?

**The Honourable Sir Bhupendra Nath Mitra**: Yes. The offer was withdrawn as it was found incompatible with the necessity for reserving a certain number of quarters for Members of the Legislature.

### CONSTRUCTION OF HOTELS BY PRIVATE ENTERPRISE IN THE NEW CAPITAL.

204. **Mr. K. C. Neogy**: What encouragement, if any, are Government offering to private enterprise to construct hotels in the New Capital?

**The Honourable Sir Bhupendra Nath Mitra**: Sites are being reserved in the New Capital for hotels, and negotiations have been entered into with persons interested, but so far no leases have resulted. No special inducements have been offered to private enterprise to construct hotels.

### CONSTRUCTION BY A COMPANY OF A HOTEL IN NEW DELHI.

205. **Mr. K. C. Neogy**: (a) Have Government ascertained the possibility of any company coming forward to build a hotel in New Delhi, so long as the Government of India run a hostel?

(b) Are Government aware that the commercial world regard their action as being unfair competition with private enterprise?

**The Honourable Sir Bhupendra Nath Mitra**: (a) I would refer the Honourable Member to the reply given to his previous question.

(b) Government have no information.



## AVERAGE ANNUAL LOSS ON THE WESTERN-HOSTEL, RAISINA.

206. **Mr. K. C. Neogy:** Will Government be pleased to state what the loss was in the cold weather of 1924-25, and what the loss is likely to be in 1925-26, through the Western Hostel being run on its present lines?

**The Honourable Sir Bhupendra Nath Mitra:** The loss averages about Rs. 15,000 annually.

## PROVISION BY FOREIGN GOVERNMENTS OF PRIVATE HOSTELS FOR THEIR EMPLOYEES.

207. **Mr. K. C. Neogy:** Are Government aware of any other country where Government provide private hostels for their employees?

**The Honourable Sir Bhupendra Nath Mitra:** Government have no information.

## AMENDMENT OF THE BAMBOO PAPER INDUSTRY (PROTECTION) ACT.

208. **Dr. L. K. Hyder:** Have the Government of India completed the examination, promised last September by the Honourable the Commerce Member, to determine whether the Bamboo Paper Industry (Protection) Act requires any amendment to provide especially for super-calendered paper, whether imported in reels or not? If so, what is the result?

**The Honourable Sir Charles Innes:** All Local Governments were requested to consult presses and publishing houses in their provinces to ascertain the extent to which imported super-calendered paper was used and the form in which it was imported, whether on reels or in sheets. It was clear from the replies received as in fact the Tariff Board had already reported, that the term super-calendered does not denote the composition of paper but merely the finish given to any paper. Paper manufacturers in India do produce paper with this finish. It further appeared that presses and publishing houses which use imported super-calendered paper of a composition which renders it liable to the new duties import it for the most part in sheets and not in reels. It was also reported that the *Illustrated Times of India Weekly*, in connection with which the discussion was started, have already adapted their purchases to the new duties.

2. Owing to the dissolution of the Council of State, the Departmental Advisory Committee was not in existence, but these facts were placed before three members of the old Advisory Committee who are also Members of the Assembly, namely, Sir Purshotamdas Thakurdas, Mr. Willson and Diwan Bahadur M. Ramachandra Rao. They all agreed that on the facts reported no amendment of the Bamboo Paper Industry (Protection) Act is required. This was also the conclusion arrived at by Government and therefore it is not proposed to take any further action.

## RECRUITMENT OF MUSLIM SORTERS IN THE RAILWAY MAIL SERVICE, MULTAN DIVISION.

209. **Sayyad Ghulam Abbas:** Are the Government aware that the number of Muslim sorters in the Railway Mail Service, Multan Division, is very small? Do the Government propose to take steps to recruit more Muslims in that Department?

**The Honourable Sir Bhupendra Nath Mitra:** Yes. Muhammadan applicants possessing the requisite qualifications are usually given employment. The Superintendent of the Division has been asked to encourage the recruitment of Muhammadan sorters.

## ELECTION OF THE CENTRAL ADVISORY COUNCIL FOR RAILWAYS.

**Mr. President:** I have to announce for the information of Honourable Members that in accordance with the motion adopted by the House on the 25th February last, nominations for the Central Advisory Council for Railways will be received up to 12 noon on Friday, the 12th March, and the election, if necessary, will be held on Monday, the 15th March, in this Chamber by the usual method, namely, the single transferable vote.

## THE INDIAN INCOME-TAX (AMENDMENT) BILL.

### PRESENTATION OF THE REPORT OF THE SELECT COMMITTEE.

**Mr. M. A. Jinnah** (Bombay City: Muhammadan Urban): Sir, . . . .

**Mr. President:** The Honourable Member is very impatient. Sir Basil Blackett.

**The Honourable Sir Basil Blackett** (Finance Member): Sir, I lay on the table the Report of the Select Committee on the Bill further to amend the Indian Income-tax Act, 1922, for certain purposes.

## THE INDIAN FACTORIES (AMENDMENT) BILL.

### PRESENTATION OF THE REPORT OF THE SELECT COMMITTEE.

**The Honourable Sir Bhupendra Nath Mitra** (Member for Industries and Labour): Sir, I beg to lay on the table the Report of the Select Committee on the Bill further to amend the Indian Factories Act, 1911.

## THE GENERAL BUDGET—LIST OF DEMANDS.

### SECOND STAGE.

#### *Expenditure from Revenue.*

#### DEMAND No. 16—CUSTOMS.

**Mr. President:** The House will now proceed to consider the Budget, Part II, Second Stage.

**Mr. M. A. Jinnah** (Bombay City: Muhammadan Urban): I was, Sir, impatient because the motions made by the Finance Member and the Honourable Member for Industries were not on the agenda; and, Sir, I am very much afraid of the Government Members when they get up, because one does not know how they will try and corner us when it suits them. Sir, I have given notice and my notice is this, that I wish to move that the consideration of Demands Nos. 16 to 27 be adjourned and that the consideration of Demand No. 28 be taken up first. Sir, according to the practice which was established in this House last year, the Government on that occasion agreed to this course, namely, that a particular Demand

should be taken up out of its order. I shall read to you what took place on that occasion. My Honourable friend, Diwan Bahadur Ramachandra Rao, raised the question and said :

" May I ask you, Sir, and through you, the Honourable the Home Member, whether a variation of the Demands, so as to bring up Nos. 28 and 81 which relate to the Executive Council and the Secretary of State respectively, to-morrow morning, can be made? In view of the statement which has been made to-day by my Honourable friend, Pandit Motilal Nehru, it seems to me that an opportunity should be afforded by the Government for the discussion of the question raised in the adjournment motion this morning. I therefore suggest that these two Demands, Nos. 28 and 81, should be taken up first to-morrow morning."

You, Sir, at that time were a Member of this House and you followed and said :

" *Mr. V. J. Patel* : May I intervene and ask whether it is not within the power of the Chair to take these Demands in any order that it thinks proper, or whether the Home Member has got anything to do with the matter?"

Then the ruling of the President was :

" The order in which the Demands for Grants appear, as far as the procedure of this House is concerned, is more or less arbitrary. If we were to follow the usual Parliamentary practice in England, the order in which they will be taken would be arrived at by agreement between the Chief Whip of the Opposition and the Leader of the House. I do not know whether there is a Chief Whip of the Opposition Party. I understand that Mr. Ramachandra Rao has for the moment usurped those functions. Therefore it is not so much for the Chair to decide in what order the Demands should be taken, as for the Opposition and the Government between them to decide as a matter of convenience how they will proceed. Provided notice is given, it will be reasonable on the part of the Government to meet the wishes of the House as far as possible in matters of that kind."

Then, Sir, Mr. V. J. Patel said :

" Is the Chair bound to accept the agreement arrived at between the two Parties?"

" *Mr. President* : It is almost a hypothetical question. I do not say that the Chair is bound to accept it, but as a matter of convenience if the two sides of the House agree, that a Demand should be taken up in a certain way, the Chair is always ready to meet the convenience of the House on that matter. Do I understand the Honourable Member to object to the proposed arrangement?"

Then, Sir, Mr. V. J. Patel said :

" I do not object to anything. I think it is the right of the Chair to take the demands in any order the Chair thinks fit. The Home Member should have nothing to do with it."

After that threat from you, the Honourable the Home Member promptly agreed to the arrangement that the Demand No. 28 should be taken up first the next morning, and it was, in accordance with that agreement, taken up the next morning out of the order as it was arranged by the Government.

Now, Sir, on this occasion, on the 4th of March, before I could approach the Honourable the Home Member, the Leader of the House, he had suddenly disappeared. Perhaps he was so pleased that the discussion concluded so soon that he was not available, and, therefore, the next Member that I could approach was the Honourable the Finance Member. And certainly it is more his domain, although he is not the Leader of the House, and I thought that he was the next important Member of Government whom I could approach in this matter, and I put it to him that we on this side desired,—and I made it clear to him that I was speaking not

[Mr. M. A. Jinnah.]

only on behalf of my Party but also on behalf of the Swaraj Party who had authorised me to come to an arrangement with the Government, that the Executive Grant should be taken up first. He then told me that he would consider the matter and if possible he would discuss it with the Leader of the House and let me know. He was very kind in sending me a very prompt reply on the 4th of March, 1926, and with his permission I shall read it. This is what he says:

“ I have not been able to see the Honourable Sir Alexander Muddiman ”,

—so even he, Sir, failed to trace the Home Member . . . .

**The Honourable Sir Alexander Muddiman** (Home Member): Sir, I do not want to interrupt the Honourable Member, and I trust I have not been impatient. I have listened to him carefully, but I should like to know whether the Honourable Member is making an appeal to me or whether he is moving an amendment. If he is moving an amendment, I should like your ruling whether the Honourable Member is in order in moving it now?

**Mr. M. A. Jinnah:** If the Honourable Member will allow me to continue, he will know whether I am making an appeal to him or I am making a motion. It is now too late for him to interrupt me at this moment when I have proved that it was difficult to trace him.

Then, Sir, I proceed:

“ But the answer to your question ”

—says the Finance Member—

“ as to the order in which the Demand for Grants will be taken up is, I think, clear. In the absence of directions to the contrary from the House, the Demands will be taken up in their numerical order. It is now too late for the Government to alter the order in which they appear on the paper. Whether the President would accept a motion for the postponement of the discussion of the particular Demand in order to expedite the discussion of another Grant seems to be a matter entirely for the President to decide ”.

After that, Sir, I thought that the only course that I could adopt was this, that I should give notice to the Secretary, to yourself, to the Honourable the Home Member, the Leader of the House, and also to the Finance Member, and that notice was given on the 5th March, 1926, pointing out that I propose to suggest that Grant No. 28 should be taken up first and that the consideration of the Grants Nos. 16 to 27 should be postponed. After that I understood that the Honourable the Home Member, the Leader of the House, felt that I had not approached him and so I appealed to him to come to an arrangement with us. But, Sir, when I received the letter from the Honourable the Finance Member on the 4th of March, it was from a Member of Government, and he distinctly informed me that it was not possible to change the arrangement, and therefore I thought that the only thing I could do was to give a formal notice, which I did. But thereafter I thought that my Honourable friend, for whom I have always the greatest respect—I always walk into his room, though I do not always find him there,—I thought that he felt that I had not approached him. I therefore informed him also on the telephone. And here now I met his point while he interrupted me and I appealed to him that following the practice of last year the Government should meet us

in our wishes in taking up Grant No. 28 first. Sir, he said with his usual courtesy and geniality that he would give the matter his very careful consideration and let me know, and this is the letter dated 7th March, 1926, I received from him, which, I think, will make his position clear. I shall read that:

"I have received your notice in which you inform me that you propose to move for the postponement of certain Grants in order to take up Grant No. 28, and you appear to have given notice not only to me,"

—he objects, Sir, that I should give notice to other people,—

"you appear to have given notice not only to me, but to the President and the Honourable Sir Basil Blackett."

I do not know why he should object to that so long as he gets notice himself. As a matter of fact this notice was given because we were informed by the Secretary that a notice should be given.

"It struck me"—says he—"the moment I saw it that it was out of order, and after consulting Mr. Graham, I find no reason to change that view. Had any application been made to me to consider the question whether as a matter of arrangement the order of the Grants should be altered. I should have given the matter full consideration, but no such application was made although I noticed in the telegrams some two days ago a statement to the effect that this had been arranged. I promptly had this contradicted, for no such application was made to me."

Now, Sir, I shall pause here for the moment. The notice I gave to the Honourable the Home Member was on the 5th of March, and he never then suggested to me if we desired to do this by an arrangement or by our moving a formal motion. He never took any notice of it at all. It was only after I had telephoned to him and pressed him that, even as a matter of arrangement it should be done, that he was good enough after consideration to write his letter. The letter of the Honourable the Home Member proceeds:

"I should have given the matter full consideration, but no such application was made. In view of your telephonic message I gather that you now ask that as a matter of agreement Grant No. 28 should be taken first. It seems to me that unless I have an application from all parties"

—he never asked me whether it was the desire of any other party or not—

"I could not even consider it, because obviously those persons who have put down cuts on the earlier Grants are equally concerned, and the President might also very well take the line that his consent was necessary. Furthermore, I fail to see what advantage it is proposed to offer me for agreeing to this course".

Now, I ask what advantage does the Honourable the Home Member ask me to offer him? Am I to pay him a certain fee for it?

**Mr. Bipin Chandra Pal** (Calcutta: Non-Muhammadan Urban): That is the order of the day.

**Mr. M. A. Jinnah:**

"The so-called constitutional issue could easily well be raised on any Grant and as far as I can see, I will merely be inviting the full force of the opposition to Government by taking Grant 28 out of its course."

I think the House can very well judge of the motives of the Leader of the House in putting all these difficulties in my way. He was afraid of the "full force of the opposition to Government" by taking Grant No. 28.

12 Noon.

[Mr. M. A. Jinnah.]

"As you know"

—here of course, I must not leave the House in doubts; here comes his courtesy and geniality—

"As you know, I am always willing to meet you as far as I can, but the course that has been followed . . ."

—what course he thinks of, I do not know—

"precludes me from altering the order at this late stage".

Now, Sir, this last argument of "late stage" is absolutely unwarrantable and cannot be justified. What is the late stage? All that the Government required of us on the last occasion and the plea they put forward on a similar occasion last year was this, that we should not suddenly change the order on the list, because, naturally, and very rightly—and I shall in a moment quote what the Honourable the Leader of the House said on this point last year—naturally, if Honourable Members come here to discuss the first 5 or 6 or 7 or 10 Grants and suddenly the order is upset, it of course upsets their arrangement. Now, Sir, on this occasion the notice was given to the Finance Member on the 4th of March.

**The Honourable Sir Basil Blackett** (Finance Member): Too late.

**Mr. M. A. Jinnah:** The Honourable the Finance Member says, "Too late". I say then that you are not fit to manage your business. If on a notice of four days you cannot discuss a particular Grant, then I say that you are not fit to conduct your business.

**Mr. R. K. Shanmukham Chetty** (Salem and Coimbatore *cum* North Arcot: Non-Muhammadan Rural): Whoever doubted it?

**Mr. M. A. Jinnah:** This is what the Honourable the Leader of the House said on that occasion:

"In the first place let me say that in dealing with this matter I should naturally be very largely guided by the views of the Chair . . ."

—I hope he will do so now—

" . . . and indeed my action must be taken after considering any ruling the Chair may give. I may, however, point out that this is a somewhat late period in the course of our debates to put forward a question of this kind. The House has been taking the Demands in the order in which they appear on the order paper and obviously my Honourable friend will have no difficulty in agreeing with me that any sudden change in the order would dislocate what the Government regard as the reasonable course of business. Now, Sir, my Honourable friend has put a point to me to which I feel I must give full consideration especially in view of your ruling this morning that the matter which my Honourable friend on my right is very anxious to bring forward for discussion could be taken up under Demand No. 28. I understood that to be your ruling and therefore as regards Demand No. 28, I, speaking on behalf of Government, will be quite ready to take that first to-morrow."

This was on the 18th March, 1925. Now, Sir, I submit that the Government have taken up this time a most unreasonable attitude. They cannot say that this change in the order is sudden, because I have satisfied the House that the first notice was given on the 4th of March, after the

general discussion was over. I ask the House whether we are going to be dictated to by Government in this fashion. I know what they will say. I know what they will rely upon. They will say that under Standing Order 7, they are masters of the position and they can compel this House to discuss any particular motion that they choose and in any particular manner they desire. But I challenge that position altogether. Standing Order 7 runs as follows:

“On days allotted for the transaction of Government business, the Secretary shall arrange that business in such order as the Governor General in Council may direct.”

This Order does not give the Government any more power than merely to arrange the business in such order as the Governor General in Council may direct. That is only for the purpose of being brought up before this House for consideration. In the case of non-official business the arrangement is made by that mysterious instrument, the ballot. That is the only difference. But I say that it is the right of this House to say that we shall rearrange that order and postpone any particular Grant and take up any particular Grant that we may desire. The only complaint that the Government can make is “You must not make a sudden change, because, if you make a sudden change, it will be inconvenient and unreasonable on your part and we shall not be able to meet it.” Therefore, Sir, with regard to the plea of sudden change, I have satisfied the House that I have given ample opportunity and ample notice to the Government and this opposition, on the part of Government is unwarrantable and unjustifiable. It is put forward by the Government merely because the Leader of the House does not wish to face the full force of the opposition. And why not? You can always certify. You are well entrenched behind safeguards.

**The Honourable Sir Alexander Muddiman:** Do you want me to do it?

**Mr. M. A. Jinnah:** Certainly. I want you to do it on this occasion, if you can and must because, as I said before,—the Honourable the Home Member does not seem to remember what has happened in the past—as I have said before, this is the only unequivocal manner in which we can constitutionally prove that the Government are defeated without doubt. If I make a cut, you may say, “Well, it does not matter very much.” I want you to be defeated as far as your constitution goes. There is no analogy of course between this constitution and the constitution which you think of in any full-fledged Parliament. Therefore, it is no use saying,—I know the old argument—“Do you want us to certify?” I want you to certify and I want that to be put on record. That is the only way in which we can put it on record and constitutionally say that you remain there defeated. And you do not resign because you have got no self-respect.

**The Honourable Sir Alexander Muddiman:** Sir, I must confess that even to the end of my Honourable friend's speech I have been in some doubt as to whether he was making an appeal or whether he was making a demand.

**Mr. President:** Or was he giving a threat.

**The Honourable Sir Alexander Muddiman:** He is giving a threat. I think, however, that he has satisfied the main object of his speech. He has been able to deliver himself of a speech which I think he might not

[Sir Alexandar Muddiman.]

have been able otherwise to deliver himself of and thereby he lost no opportunity of doing so. Now, Sir, if it was intended as an appeal, I would suggest to the House that it was not a fortunately worded one. If it was intended . . . .

**Mr. M. A. Jinnah:** I have failed in my appeal. I made an appeal and I got a reply from the Honourable the Home Member. I have read his letter to the House. He has declined to meet my appeal. I therefore stand on my rights here.

**The Honourable Sir Alexandar Muddiman:** The Honourable Member, I understand, gives up that part of his case which rests on an appeal.

**Mr. M. A. Jinnah:** If the Honourable the Home Member is willing to reconsider the matter, I will appeal once more most gracefully.

**The Honourable Sir Alexandar Muddiman:** I understand the Honourable Member gives up that part of the case which rests on appeal . . . .

**Mr. M. A. Jinnah:** I do not. I appeal again.

**The Honourable Sir Alexandar Muddiman:** . . . . having read the letter which I sent him. It expresses my views perfectly frankly and I have nothing whatever to withdraw in regard to that letter. Again, it has been suggested that it is a reply to this formal notice which was given by Mr. Jinnah. The notice, Sir, is a formal notice which was given to the President, and contains no suggestion that he had any consultation with any part of the House or he wished to have any consultation with me or that he did anything or was going to do anything more than place the motion on the paper, and that he would endeavour to carry it out. The notice is a formal notice. He says: "I intend moving that so-and-so should be postponed. I intend further to move that the Demand be omitted." As regards the second part of that, it is obviously essential that he should give notice because, if he did not give notice, he would not be able to move the motion. There is no suggestion that he was in correspondence or in conference with any of the other gentlemen who sit in this House. The Honourable Member knows me very well and he knows also that I am always accessible. The Honourable Pandit will bear me out when I say that whenever he wished to see me I always made myself accessible. It is true that owing to the unfortunate way in which the general discussion took place I was enabled to get a little of the recreation that I think I deserved, and I hope that nobody in this House will grudge me that. I have met the point of appeal. The question whether this motion is in order is for you to decide and I am quite content to leave it in your hands. But if it is put to the House I shall have to divide the House against it.

**Khan Bahadur W. M. Hussanally** (Sind: Muhammadan Rural): I have to say a few words on this occasion on the appeal made by my Honourable friend, Mr. Jinnah. He quoted from your own speech last year as to what was said in the matter of the postponement of certain Grants in that year and tried to bind you to the opinion which was expressed then. There is one thing which I want to bring to your notice and that is the difference between what happened last year and what has happened this year. The proposal made last year was made one day before, that the particular Grant be taken up the next day and discussed in the House, so that the whole House had notice. This year whatever may have been the correspondence between my Honourable friend Mr. Jinnah and the



Government Members, we on this side know nothing of what transpired between them. We are now taken by surprise by the proposal that Demand No. 28 be taken up to-day all of a sudden. We never expected that this particular Grant No. 28 would be taken up to-day. In fact, in the usual course of things one or two Grants are done in a day, so that we cannot be expected to have come prepared with that particular Demand No. 28. If the House decides that the Grant No. 28 be taken up to-day we are entirely in the dark about that Grant and we can say nothing about it or discuss it. I appeal to you before you decide whether my Honourable friend Mr. Jinnah is in order to-day. I have no objection to the Grant being taken up to-morrow because we will then have had a day's notice to come prepared. At any rate, to-day we on this side of the House, barring perhaps a few Members of Government, are entirely in the dark, and therefore I appeal to you to take that matter into consideration before you decide the point.

**The Rev. Dr. E. M. Macphail** (Madras: European): I wish to protest against the idea put forward by my Honourable friend, Mr. Jinnah, that this Assembly should be omnipotent and be able at any moment to take up anything and have it voted upon. As to this particular Demand, I do not care in the least in what order it is taken up, but I do think Mr. Jinnah's proposal raises a very serious constitutional question. It may not be so at the present time, but in the days to come it may be very serious that a popular assembly should have the right to change the order of business at any moment and without due notice decide upon a question by a snap vote and make a change because there happens to be at the time a majority on one side. It is, as I have said, a matter of indifference to me whether we vote on this particular Demand or on that Demand now, but I do think that the matter is extremely important from the constitutional point of view. Moreover, my Honourable friend Mr. Jinnah has not given us one single reason why the order should be changed.

**Mr. President:** The Honourable Member from Bombay desires that Demand No. 28 should be discussed first. He suggests in the first place that if possible it should be done by common consent. By common consent I believe he means the consent of a majority of the Members of the House, Government and the Chair. So far as the Chair is concerned, it is always anxious and willing to meet the convenience of the House. No appeal from the Honourable Member is required for that purpose. If the Chair is convinced that the majority of the House desires a particular course it is always willing to meet them. But the difficulty is, as suggested by the Honourable Member from Bombay, the difficulty raised by Government. If Government agree to the course proposed by the Honourable Member from Bombay and if the Chair is satisfied that a majority of the Members of the House desire that course to be adopted, there cannot be the slightest difficulty. I find, however, that the Government are not willing to meet the Honourable Member from Bombay on the ground stated by the Honourable the Home Member. Under these circumstances it is not possible for the Chair to do anything in the matter. Of course, the Chair can always advise Government to take up a reasonable attitude in all matters. In this matter also I would advise them, if they are satisfied that Members of this House desire a particular course to be adopted, to meet their wishes. If the House thinks that the Government are unreasonable, the House has always the remedy in

[Mr. President.]

its own hands, and that is to adjourn every item when it comes for discussion by its vote and thus bring up Demand No. 28, for discussion. That is a remedy which Government know very well the non-official Members have in their hands and I do not think that Government would be so unreasonable as to compel non-official Members to resort to that course if the Government are satisfied that there is a strong feeling in the House to take up Demand No. 28 first. But the difficulty is to find out whether such a feeling really exists. That is the difficulty which faces both the Chair and the Government. (*Some Honourable Members:* "Divide the House. Take the vote of the House.")

As regards the second point raised by the Honourable Member from Bombay, namely, if the Government do not give their consent to take up Demand No. 28 first, he has a right to make a motion in that behalf and divide the House on it, I am afraid I must rule against the Honourable Member. On non-official days the order of business is determined by ballot and the House has no power to change that order by its vote. Any Member in whose name any motion is put down according to the result of the ballot is entitled to move it in that order. That motion becomes the property of the House after it is actually moved and the House is then entitled to adjourn its further consideration. (*Sir Hari Singh Gour:* "That is on account of the ballot.") Similarly on a Government day it is Government who are in charge of the business of the day and they arrange the order in which that business is to be taken up. Once any motion set down is moved, it becomes the property of the House and further consideration of it could be adjourned by the vote of the House. It is, therefore, open to the Honourable Member from Bombay or any other Member of this House when the first Demand is moved to get up and say, "I move the adjournment of the debate on this Demand" and to make similar motions with regard to subsequent Demands till Demand No. 28 is reached. But it is open to him or to any other Member of this House to move directly that any particular Demand be taken up first, for discussion. Therefore I rule that the motion of the Honourable Member from Bombay is out of order.

**\*Mr. M. A. Jinnah:** Will you allow me to make my position clear? I entirely bow to your ruling. May I ask you, Sir, as soon as the Demand under Customs is moved, to give me permission formally to move the adjournment of the consideration of that Demand, and I want the House to be divided on that in order to take a vote. That I am entitled to do according to your ruling, and I am prepared to do that and wait.

#### DEMAND No. 16—CUSTOMS.

**The Honourable Sir Basil Blackett:** I beg to move:

"That a sum not exceeding Rs. 71,84,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1927, in respect of 'Customs'."

**\*Mr. M. A. Jinnah:** I formally move that the consideration of this motion be adjourned. I do not wish to repeat anything which I have already said. I will only meet one point that the Honourable Member

*\*Speech not corrected by the Honourable Member.*

there made, that I have given no reason whatsoever why I wanted this Executive Council Demand to be taken up first. (*An Honourable Member: "Convince him."*) There are also other Honourable Members who may want to know. I want to give the reason to the House quite frankly. We want to raise the question of the general policy of the Government. We want to pass a vote of censure on the Government and the most appropriate Grant for that will be the Executive Council Grant. Sir, I will quote again the language of the Leader of the House and I will point out that he himself recognised it by an arrangement. I will only read five lines of his speech last year. This is what he said:

"Sir, the Demand before the House is Demand No. 28 which deals with one of the most important of the Demands, the tour expenses of the Governor General's Council. That, Sir, has been made, certainly with the connivance, if not with the consent of the Government, the ground for the general examination of the policy of Government. I have been told that the vote that has been moved by my Honourable friend, Pandit Motilal Nehru, is a vote of censure on Government and that it has been taken up as such on all sides of the House. The House has arraigned at its bar, under the name of the travelling expenses of the Governor General's Council, the general policy of that body."

That is the reason why I desire that this Grant should be taken up first and I want to make that the beginning before I deal with the rest of the Grant before this House. I therefore insist upon this and shall certainly ask for a division of this House.

**The Honourable Sir Alexander Muddiman:** I do not propose to weary the House with a long speech on this motion for adjournment. If the occasion were an ordinary one, I should be willing to meet the wishes of the majority or a very considerable number of this House. This, however, raises a question of considerable constitutional importance. My Honourable friend says that he desires that a constitutional debate should take place on the travelling allowances of members of the Executive Council. What he really intends to do is to endeavour to induce the House to refuse supplies and if that is the case, what better opportunity has he got than the Demand under Customs? He thinks he will get some tactical advantage by adopting the course he has in view. On the last occasion when I agreed to a change of the order of the Grants I must remind the House of the circumstances. It was on the last day of the debate. It was the desire of the House that we should have a constitutional debate and I changed the order of one Grant only. If it is the desire of my Honourable friend to censure Government, he can satisfy it by rejecting the Customs rather than by refusing the travelling expenses of my Honourable colleagues. If it was a question of their salary, it might be another matter. Therefore, Sir, as the constitutional debate can take place just as easily on Grant No. 16, and as it is first on the list of business, I oppose my Honourable friend's motion.

**Pandit Motilal Nehru** (Cities of the United Provinces: Non-Muhammadan Urban): It is time that I make the position of this side of the House clear. It is perfectly immaterial to us what Demand for Grant is taken up first. We are here under a mandate to-day with clear and specific instructions how to act, and these will apply to any Demand that is put forward first. Therefore, if any division is asked for on this question, which is quite immaterial to us, we shall abstain from taking part in it.

**\*Mr. Bipin Chandra Pal:** I desire to say only one word on this motion and it is this. We want the Demand relating to the Executive Council to come first because, as my friend and leader Mr. Jinnah has said, we want to discuss the general constitutional question. My Honourable friend the Home Member has assured us that that question can be raised on Customs also but we have our difficulties in regard to Customs. We do not want, I for one personally do not want, to throw out the whole Customs Demand. (*An Honourable Member:* "Why?") For this simple reason that the Government in that case may restore some and refuse to restore others. For this reason I think, it is only fair that we should be allowed an opportunity, as we had last year, of raising the constitutional issue not upon Customs or any other Demand but upon the particular Demand which has been referred to by my friend Mr. Jinnah. We know what is passing in the minds of my friends opposite, and the House ought also to understand the tactics of the Government—how they want to put us in a difficulty; and I hope, understanding the tactics of the Government, the House will decide to support my friend the Honourable Mr. Jinnah.

**Dr. K. G. Lohokare** (Bombay Central Division: Non-Muhammadan Rural): I am afraid the Treasury Benches have been putting us in a fix. The Honourable the Home Member has expressed the view that the constitutional issue can be dealt with by a refusal of supplies. Does he wish to see the House throw out the whole Grant by putting the Customs Grant first? I should as well like to know if he considers a cut in the first Demand, the Customs Grant, sufficient to express the constitutional issue. I am sorry we are missing the issue. It is therefore extremely desirable that Government should do justice to the House and allow the Grant as requested by Mr. Jinnah to be discussed first; or else the Honourable the Home Member puts the House and other Members in a position in which we have no other alternative but to refuse supplies. It is the Government who put us in that position. That is the warning I want to give him.

**Mr. President:** The question is:

"That the further discussion of this motion be now adjourned."

The Assembly divided:

AYES—29.

Abdul Haye, Mr.  
Abul Kasem, Maulvi  
Ahmad Ali Khan, Mr.  
Aiyangar, Mr. K. Rama.  
Ariff, Mr. Yacoob C.  
Chanda, Mr. Kamini Kumar.  
Das, Mr. B.  
Datta, Dr. S. K.  
Deshmukh, Mr. R. M.  
Ghazanfar Ali Khan, Raja.  
Ghose, Mr. S. C.  
Ghulam Abbas, Sayyad.  
Ghulam Bari, Khan Bahadur.  
Gour, Sir Hari Singh.

Hyder, Dr. L. K.  
Ismail Khan, Mr.  
Jeelani, Haji S. A. K.  
Jinnah, Mr. M. A.  
Joshi, Mr. N. M.  
Makan, Khan Sahib M. E.  
Mutalik, Sardar V. N.  
Neogy, Mr. K. C.  
Pal, Mr. Bipin Chandra.  
Ramachandra Rao, Diwan Bahadur M.  
Sadiq Hasan, Mr. S.  
Talatuley, Mr. S. D.  
Venkatapatiraju, Mr. B.  
Vishindas, Mr. Harchandrai.  
Yakub, Maulvi Muhammad.

\*Speech not corrected by the Honourable Member.

## NOES—43.

Abdul Qaiyum, Nawab Sir Sahibzada.  
 Aiyer, Sir P. S. Sivaswamy.  
 Ajab Khan, Captain.  
 Akram Hussain, Prince A. M. M.  
 Bajpai, Mr. R. S.  
 Bhore, Mr. J. W.  
 Blackett, The Honourable Sir Basil.  
 Bray, Sir Denys.  
 Burdon, Mr. E.  
 Calvert, Mr. H.  
 Clow, Mr. A. G.  
 Cocke, Mr. H. G.  
 Dalal, Sardar B. A.  
 Donovan, Mr. J. T.  
 Gidney, Lieut.-Colonel H. A. J.  
 Gordon, Mr. R. G.  
 Graham, Mr. L.  
 Hexlett, Mr. J.  
 Hira Singh Brar, Sardar Bahadur  
 Captain.  
 Hudson, Mr. W. F.  
 Hussanally, Khan Bahadur W. M.  
 Innes, The Honourable Sir Charles.  
 Jatar, Mr. K. S.

Lloyd, Mr. A. H.  
 Macphail, The Rev. Dr. E. M.  
 Mitra, The Honourable Sir Bhupendra  
 Nath.  
 Muddiman, The Honourable Sir  
 Alexander.  
 Muhammad Ismail, Khan Bahadur  
 Saiyid.  
 Naidu, Rao Bahadur M. C.  
 Neave, Mr. E. R.  
 Owens, Lieut.-Col. F. O.  
 Rahman, Khan Bahadur A.  
 Raj Narain, Rai Bahadur.  
 Rau, Mr. P. R.  
 Reddi, Mr. K. Venkataramana.  
 Roffey, Mr. E. S.  
 Sarda, Rai Sahib M. Harbilas.  
 Singh, Rai Bahadur S. N.  
 Singh, Raja Raghunandan Prasad.  
 Tonkinson, Mr. H.  
 Vernon, Mr. H. A. B.  
 Vijayaraghavacharyar, Sir Tiru-  
 valangadi.  
 Wajihuddin, Haji.

The motion was negatived.

**Pandit Motilal Nehru:** Sir, this is the third and the last occasion in the life of this Assembly for Honourable Members to treat the Treasury Benches with the annual feast of grievances.

**The Honourable Sir Basil Blackett:** Sir, I rise to a point of order. I would like to know whether the Honourable Member is moving the motion which does not stand on the paper, of which we have only had recent notice, that the demand be omitted. I feel that I am entitled to object to that motion being put in view of the fact that we have had such short notice and the result of its being carried would be that the questions that are raised in the other motions that had priority over it would not be discussed; and in particular I should be left not knowing why Rs. 101 was to be cut owing to the inefficient administration of Customs. I think that is not a position in which I should be left.

**Mr. President:** I think the Honourable Member is making a general statement as to the position of his party, in regard to all the Demands for Grants.

**The Honourable Sir Basil Blackett:** Then he is not moving the motion?

**Pandit Motilal Nehru:** No, I am not moving the motion. Sir, I was talking of the annual feast of grievances which is provided by the vicious system of government under which we have the misfortune to live, and I was going to say that this is the third and the last occasion in the life of this Assembly which gives an opportunity to Honourable Members to provide that feast for the delectation of the Treasury Benches. Sir, the system itself is a perennial grievance, and therefore it is not necessary for this House to pick and choose from among the Demands which have been laid before us. As I intimated to the House, we are here to-day under a mandate. Our instructions are quite clear and precise, and it is under these instructions that I crave your indulgence to permit me to

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make a statement. We have on the two previous occasions taken part in the discussion on the Budget. We told the British Government that we refused to be consenting parties to the administration which has been forced upon against our will. We took the opportunity to convey a message to the people of the United Kingdom that, unless that system was changed according to the wishes of the people of India, there would be no contentment in this country. That message, Sir, has so far been unheeded; and the latest utterances of high and responsible Members of the Government have shown the utter futility of any further action that can be taken in this House. We come here to-day under a definite mandate to deliver to the Government the message of the Indian National Congress. For that purpose we avail ourselves of the rules of procedure, and I take the liberty to rise on the motion which has been made by my Honourable friend, Sir Basil Blackett. The message of the Indian National Congress to the Government and its mandate to us are embodied in this Resolution which was passed by the All-India Congress Committee only the day before yesterday:

"This meeting, having taken into consideration the pronouncements made in the Council of State and the Legislative Assembly by the Governor General and the Home Member and referred to in the Report of the Special Committee, is of opinion that the insistence of the Secretary of State and the Government of India on full co-operation by the representatives of the people under existing conditions clearly demonstrates the intention of the Government to coerce the nation into abject submission without making any advance on the present vicious system of Government. The Committee therefore has no option but to adopt the recommendations of the Special Committee and to call upon the Swarajist Members of the various Legislatures to follow the course laid down in the Resolution (herein quoted) of the Indian National Congress passed at Cawnpore.

"This Committee hereby calls upon the Swaraj Party in the Assembly to leave their seats after raising the constitutional issue once again on the first motion on the 8th March. This Committee hereby calls upon the Swarajist Members of all the Legislatures to conform to the other directions contained in the said Resolution of the Congress and to engage themselves in carrying out the programme hereinafter laid down."

I need not trouble the House with the programme which has been laid down, and confine myself to the mandate which I have just read. We are here to act on that mandate, and you will soon hear, Sir, that we are acting on the rest of the programme. I crave the indulgence of the House to state briefly what has led to the action we are taking. As I have said, we took part in the budget debates of the last two years. We did this on the time-honoured principle of "grievances before supplies". The Treasury Benches replied by piling up upon us all the obloquy and ridicule which they could, for presuming to use a weapon which we had not the strength to wield. After subjecting generations of the people to a long-continued process of emasculation, they took a cruel delight in reminding them that they were helpless and could not enforce their rights as free men could do. Well, Sir, we admit that at present we cannot; the Government are welcome to derive such consolation as they may from that fact and to gloat over our helplessness. They are welcome to jubilate over their own shame. But however much we may be enfeebled in body, our soul, tormented as it is, has never been and will never be killed! Your much-boasted Reforms are not acceptable to us, and we shall not have them. We said so before they came into operation. We refused to have anything to do with them when they were first put into operation. The Government replied by repression and oppression of an unprecedented

magnitude. During the first period of the operation of the so-called Reforms, thousands of our best men were ruthlessly locked up in jails under various pretexts. They bore it all patiently and courageously. Then came the second period. Some of those who had abstained from coming into the Councils during the first period made up their minds to enter them when the second period began. This they did with the double object of testing the *bona fides* of the Government and showing their determination not to rest till they achieved what was their due. And what did they do? I, who was honoured by those who entered the Assembly by being elected as their Leader, began by making this humiliating confession to the House. What I said was:

"We have come here to do something which we have not been doing so far. Sir, we have come here to offer our co-operation, non-co-operators as we are, if you will care to co-operate with us. That is why we are here."

I call this a humiliating confession advisedly and I wish I could convey to the House even a very faint idea of what I felt when I uttered those words. But the words were well-considered and carefully weighed before they were uttered. The humiliation involved was of my own seeking. I sought it and I got it. But the tragedy conveyed no lesson to the unfeeling, stone hearts of the bureaucracy. They rejoiced at what they considered our weakness and tried to rub it in. But they failed to take note of the sentence which followed the one that I have just read. It runs thus:

"If you agree to have it"

—referring to co-operation—

"we are your men. But if you do not, we shall like men stand upon our rights and continue to be non-co-operators."

Sir, the co-operation we offered has been contemptuously rejected and it is time for us to think of other ways to achieve our object. I shall not trouble the House with the details of what followed. They must be fresh in the memory of Honourable Members. First came a departmental inquiry and then another more or less public, which is known as the Muddiman Inquiry. The last inquiry culminated in a Majority and a Minority Report. These reports have been the subject of consideration and important pronouncements by responsible Members of the Government, by the Secretary of State, the Governor General and by my friend, the Honourable the Home Member. They have been fully discussed in this House and the Resolution of the 8th of September last was the result of the deliberations by this House. Then, Sir, we waited and waited. We were told from time to time that the matter was receiving the great consideration, the careful thought, that it deserved and that in the fulness of time the Secretary of State and the Governor General would announce their final decisions. Now, up to the 21st of January last, my Honourable friend the Home Member, when he answered certain questions, was in the same waiting frame of mind. The question asked of him by Mr. Gaya Prasad was:

"Will the Government kindly state what conclusions, if any, they have arrived at regarding the amendment passed by the Legislative Assembly on the 8th September 1925 on the Muddiman Committee Report? Have they sent any despatch to the Secretary of State for India; if so, when, and are Government prepared to lay a copy of it on the table?"



[Pandit Motilal Nehru.]

There were other questions of the same kind. I have read one to show the nature of them all. I will now read the answer given by the Honourable the Home Member. He answered all these questions together. He said:

"As was stated by His Excellency the Governor General in his valedictory speech on the occasion of the dissolution of the first Council of State, it was and remains the intention of the Government of India to formulate their conclusions on the debates in both Houses on the Reforms Inquiry Committee. No despatch to the Secretary of State has yet been issued, and though the subject has been discussed the Government of India are not yet prepared to arrive at a decision on a matter of the greatest importance, on which it is essential that the Government should have ample time for the fullest consideration."

Sir, this was in answer to the question which was asked as to what was being done on the Resolution passed by this House and the matter is here said to be "of the greatest importance on which it is essential that the Government should have ample time for the fullest consideration". It would strike the ordinary reader, as it struck this House at the time, that the Government were yet in the early stages of their consideration of this matter, this most important matter, and that the "ample time" that was required would extend to some months. But what do we find? In less than a month, the matter came up before the Council of State, and there a Swarajist Member, Seth Govind Das, moved an amendment to the Resolution of the Honourable Mr. Sethna asking for a Royal Commission earlier than at the time appointed in the Statute. The amendment of the Honourable Seth Govind Das was that action be taken by the Government on the Resolution of the Assembly at the earliest possible moment. Now, what was it that my friend, the Honourable the Home Member, said in that House? I will only read one passage which is enough for my purposes. He said:

"On this amendment I am in a position to give the considered opinion of the Government of India."

Remember the amendment was to take action under the Resolution passed by the Assembly not only on the 18th of February 1924 but also that of the 8th of September 1925. On the 21st of January the Government were in deep meditation, engaged in consulting the members of the British Cabinet, and they did not know where they were. But on the 18th of February the mind of the Government was made up on this amendment which was none other than the Resolution passed by this Assembly. The Honourable the Home Member said:

"I am in a position to give the considered opinion of the Government of India. It was brought forward in September. We considered it then and we put forward the provisional opinion of the Government of India then. We have considered it since then and after the debates in both Chambers I have authority to say that the Government of India are unable to make any such recommendation to His Majesty's Government in the terms of the amendment."

(An Honourable Member: "Shame.") Within this short period of less than a month, the Government of India came to the final conclusion on that Resolution. What they were unable to achieve in six months was accomplished in this period of less than a month. Can the answer given on the 21st January, examined in the light of the statement made on the 18th of February, be called an honest one? Is it conceivable  
1 P.M. that the Government were absolutely blank on the 21st of January and some new light suddenly dawned upon them during the short



interval between that date and the 18th February which enabled them to come to final decisions in the matter? And what were the decisions? They were the self-same decisions which under the name of provisional opinions had been announced from time to time by the Secretary of State and by the Governor General and of which the key note was: "Co-operate with us fully and then we will consider what more we can do for you." Sir, we are not children; and the Government know very well how far it is possible for this section of the House to go with them on the road to full co-operation. The late Mr. C. R. Das offered generous terms for honourable co-operation. Government rejected them. And what was it that we have been doing in this House? I say that it amounts to the fullest co-operation that we Swarajists are capable of under existing conditions. The reports of the proceedings of the House and of its Committees will amply bear out what I am saying. Sir, we strained our capacity to co-operate to the breaking point. But none so blind as those who will not see; not that they could not see; they saw that no more was possible and yet in the utterances to which I have referred more and more was expected. We were threatened that, unless it was the fullest co-operation in the sense of working all the details of these Reforms without any demur, and doing as the Government told us to do, unless we put ourselves in that submissive frame of mind, nothing further would be done for us. Have the Government done anything to deserve the full co-operation they demand? A measure of co-operation, however small, was admittedly given even by this section of the House to the Government. This has been acknowledged in the utterances I have referred to but it was taken only as a sign of better things to come—more co-operation to come. What the Government have done to deserve it is that they have repeatedly flouted the opinions of this House, the considered Resolutions of this House, the Bills that were passed by great majorities in this House. They have passed laws by certification which have been aptly described as lawless laws. This is what they have done. This Assembly came into being just before the Labour Government came into power. What was the first fruit of it? An Ordinance was passed shutting up some of the noblest sons of India without trial in jails. Those sons of India are still rotting in jails. This House passed a motion of adjournment only the other day in which attention was called to the ill-treatment, the cruel treatment to which the detenus were subjected. (An Honourable Member on the Government Benches: "Question.") If that is questioned, then I say that nothing will appeal to the Government Benches. What was the meaning of the extract read in this House from the evidence which Colonel Mulwary gave before the Jails Committee?

**The Honourable Sir Basil Blackett:** That did not explain why they went on hunger-strike. We did not know.

**Pandit Motilal Nehru:** Why, because every man is judged by his antecedents and we know your antecedents. These antecedents have been described by your own countryman, a countryman against whom you cannot possibly say that he has not told the truth. Has Colonel Mulwary stated or not stated the truth? Was he a liar? (An Honourable Member on the Government Benches: "Yes.") (Lala Lajpat Rai: "And you are not.") (An Honourable Member: "Who is the liar?") Was the person who suggested a lying report to Colonel Mulwary a lesser liar or greater liar than he was according to you? Is that not a fact? Have you had

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the courage to deny that Colonel Mulvany was instructed to send a lying and perjured report? There are those instructions in black and white and you now, behind the back of an Englishman, your own countryman, have the audacity to say that he is a liar. (*Cries of "Shame."*) I know that in order to maintain your grip on this country you will do anything, you will go to any length; you will even desert your own countrymen.

Now, what are the other favours bestowed by you upon India? There was first the Lee loot. After taking the Lee loot, you gave some eye-washes. An announcement was made the other day by His Excellency the Commander-in-Chief of a Royal Indian Navy. It seemed indeed to be something very grand to have the Royal Indian Navy that was coming to us even before our right of entering the Army was conceded, even before the Skeen Committee had succeeded in exploring avenues for the supply of ten men from the whole length and breadth of India to fill ten vacancies—not in the Commissioned ranks, but for training at Sandhurst: they were hard put to find these ten men; but they find no difficulty in making an announcement that India is to have a Royal Navy of its own. Well, yes; just as India has an Army of its own; and when you look at the terms of the announcement and work it all out, God only knows whether within a hundred years we will have even a tenth part of that Navy manned by Indians. That is the announcement.

Then there is the Royal Commission on Agriculture. A very tempting announcement indeed. In a country which has agriculture as its staple industry, and depends solely upon it, anything to improve the industry would be welcome news to all classes of the public. Of course the Commission is coming. We shall know what good it will do when it has come and gone; but we know enough from the reservation of matters which are not to be within its jurisdiction to foresee that it is not to be anything very grand or a thing which will carry us very far.

Sir, I do not propose to go into other matters. They have been fully discussed on the floor of this House. I do not wish to exhaust the list of the grievances of the public or of the wrongs inflicted by the Government. They are all to be found in the reports of the debates in this House and are public property, but I should like to call attention to one passage in the statement which was made by Lord Birkenhead in the House of Lords, the famous statement on the Reforms. That statement has been fully discussed on the floor of this House, and quoted from in the speeches of the Governor General delivered from time to time, and His Excellency's inaugural addresses in this Assembly and in the Council of State. I do not wish to comment on those speeches to-day, but I do wish to notice this remarkable passage occurring in the speech of Lord Birkenhead. He says:

"We shall not be diverted from its high obligations"

—high obligations of what? Of the Preamble to the Act—

"We shall not be diverted from its high obligations by the tactics of restless impatience. The door of acceleration is not open to menace; still less can it be stormed by violence".

("Hear, hear" from the Government Benches.) Now, it is all very well for Lord Birkenhead to have thundered forth those words, and for the Benches opposite to applaud them and shout "hear,

hear", but who in the world ever tried to accelerate reforms by menace, by threat or by violence? You will say there are criminal conspiracies, secret conspiracies and secret societies. Surely when Lord Birkenhead made that statement he was making it on the demand by this House, and can it by any stretch of reasoning be said that that demand was accompanied by any kind of threat or menace? As for the existence of anarchical societies, I do not feel it necessary to go into that question to-day. I have gone into that question fully, and I only warn you that if you do not take care, you will find the whole country from end to end honeycombed by these anarchical societies. Sir, violence of any sort, as you know, so far as my party is concerned, does not enter our ethics. We resort to no menace or threat. We know the great power that this Government wield. We know our own weaknesses. We know that in the present state of the country, rent as it is by communal discord and dissensions, civil disobedience, our only possible weapon, is not available to us at present. But we know also that it is equally unavailing to us to remain in this Legislature and in the other Legislatures of the country any longer. We go out to-day not with the object of overthrowing this mighty Empire. We know we cannot do so even if we wished it. We go out in all humility with the confession of our failure to achieve our object in this House on our lips. We should indeed have done so much earlier, but the superior diplomacy and tactics of the Government put us off from day to day. We never believed in their professions, but we did not wish to put ourselves in the wrong, and we waited till a clear answer to our demand was forthcoming. It has now come clear and crisp from my Honourable friend the Home Member. There is no more use for us here. We go out into the country to seek the suffrage of the electorates once more. We do not give up the fight. We fully agree in the sentiment contained in the lines misquoted by Lord Birkenhead in the statement to which I have just referred. They are quite opposite but not in the sense in which Lord Birkenhead used them. They run thus:

"He either fears his fate too much  
Or his deserts are small;  
Who dares not put it to the touch  
To win or lose it all."

We have no misgivings either about our fate or our deserts, and we go forth into the country to put it to the touch to win or to lose it all. We feel that we have no further use for these sham institutions, and the least we can do to vindicate the honour and self-respect of the nation is to get out of them and go back to the country for work. In the country we will try to devise those sanctions which alone can compel any Government to grant the demands of the people. We hope and trust that the nation will give a suitable reply to the truculent rejection of our demands and will send us again in larger numbers with a stronger mandate, and, God willing, with the sanction for fulfilling its aspirations and enforcing its commands. These are the few remarks, Sir, that I wished to make in order to make the position of the Swaraj Party clear. I now beg your permission to withdraw, and I call upon all Swarajist Members of this House to follow me.

(On the conclusion of his speech Pandit Motilal Nehru and all the Members of the Swaraj Party walked out of the Chamber in a body.)

**The Honourable Sir Alexander Muddiman:** Sir, I do desire to know if my Honourable friend wishes to leave the House—I see he is leaving the House—without giving me some opportunity of replying to the remarks that

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he has made before finally leaving this House. He has said that he is going to take his desert, but, Sir, I fear greatly that he is going into the desert. It is to me a matter of considerable regret that in future these debates, and my own life in particular, will not be enlivened by remarks from the opposite Benches. However, as a sincere well-wisher of India, I cannot help feeling that no good has been done to the cause which so many have at heart. Sir, I am old enough to remember many exoduses. I cannot indeed remember the exodus from Egypt, but I do remember the exodus from the Calcutta Corporation. My Honourable friend, the Honourable Mr. Pal, also probably recollects that. I am one of those who believe that very little is done by exodus. I prefer to rely on Genesis.

**Diwan Bahadur T. Rangachariar** (Madras City: Non-Muhammadan Urban): Except perhaps the exodus to the hills.

**The Honourable Sir Alexander Muddiman:** Exodus to the hills. That, Sir, is a form of travelling I always enjoy as far as possible. Last year the House was somewhat unkind in endeavouring to deny me the travelling allowance to go there . . . .

**Mr. Bipin Chandra Pal:** That exodus to which you referred, Sir . . . .

**The Honourable Sir Alexander Muddiman:** It is essential that I should make a few remarks on this question of refusal to further aid the House or aid the Government in its deliberations. My Honourable friend the Pandit, whose benevolent countenance I shall miss very much indeed, has gone out and has deprived this House of two very definite immediate services which I hoped he would have placed at our disposal. The one is the speech which we had all been waiting for on the Frontier Resolution and the other is his assistance in the South African debate. We are deprived of that, Sir, and I think many of the Members of the House will feel some distress on that account.

**Maulvi Muhammad Yakub** (Rohilkund and Kumaon Divisions: Muhammadan Rural): They will return if the contingency arises.

**The Honourable Sir Alexander Muddiman:** I do not know whether my Honourable friend is more in the secrets of the Party than I am. I understood the withdrawal was definite.

**Maulvi Muhammad Yakub:** That is in the Resolution passed at Cawnpore.

**The Honourable Sir Alexander Muddiman:** My Honourable friend seems to know more than I do. I endeavour to collect what information I can from speeches delivered in this House. Now, Sir, it was said that those who now unfortunately have left us lonely—and I feel lonely—left us because they had decided to come in for two reasons—(1) to test the good faith of Government and (2) to tender co-operation. Sir, was that the language that was employed when they entered these Legislatures?

(At this stage, Rai Sahib Harbilas Sarda came and occupied one of the seats vacated by the Swarajists.)

**Mr. President:** Order, order. No Honourable Member should occupy any of the Benches just vacated without the permission of the Chair.

**Rai Sahib M. Harbilas Sarda** (Ajmer-Merwara: General): I came here at the request of the Secretary of the Legislative Assembly. He asked me to occupy this seat, and therefore I came here.

**Mr. L. Graham** (Secretary, Legislative Department): A personal explanation is due from me, Sir. The Honourable Member is deaf and I thought he might temporarily take that seat.

(Rai Sahib M. Harbilas Sarda then vacated the seat he had occupied on the Swarajist Benches.)

**The Honourable Sir Alexander Muddiman**: I am sorry, Sir, that your ruling should deprive at least one Member of the House of the pleasure of listening to me. When I was interrupted I was developing the point that in the speech we have just listened to, it was said that the Party in question entered this House for a double purpose, one of testing the good faith of the Government and the other of co-operating, or at any rate co-operating within limits. Sir, my recollection of these matters is always doubtful and I fear to attempt to state facts without verifying them. But my impression, which I think will be confirmed by the recollection of other Members of this House, is that the avowed object with which the entry was made into the Councils was to destroy and not to construct. I recognise, and I recognise with interest, that it is impossible to associate with a House of this kind without developing constructive tendencies. I was extremely interested to see that constructive work has been done in spite of those who said that nothing would induce them to do that work. It is by that, Sir, that advance will be made. I speak as a sincere friend of India—I at any rate and my bureaucratic friends who to my mind consider the best interests of India,—desire to see this constitution worked to its full. It is in my judgment the only way by which you will advance. It has been admitted to be the only way, and you cannot, in my judgment—right or wrong—go by any other path, and I should rise under a feeling of extreme discouragement to-day did I not recollect that we are too close, too near to examine these matters critically. We are inclined to attach too much importance to what will be described, I fear, as a contemptuous gesture but will finally be regarded as merely a pose, an attitude. We must take a broader view. We must endeavour to look at these things from a somewhat more distant standpoint. What are the facts? In the first Assembly we had none of that brand of thought. In the second Assembly, what have we? For 2½ years, till the very verge of the dying of the Session, we have this Party with us and I have not the faintest doubt that if all the sheep come back from the wilderness, they will be with us in the third Session till the last day of that Session. My Honourable friend behind me interrupts, "They will walk out". No, Sir. They will not walk out. They will remain and they will co-operate, and by doing that, they will have made the first advance, the first real step, towards the goal which all of us have so much at heart.

(Pandit Madan Mohan Malaviya then rose in his place.)

**Mr. President**: Does the Honourable Member desire to speak on this motion?

**Sir Hari Singh Gour** (Central Provinces Hindi Divisions: Non-Muhammadan): What is the motion, Sir? There is no motion before the House.

**Mr. President:** There is the motion moved by the Finance Member.

**Pandit Madan Mohan Malaviya** (Allahabad and Jhansi Divisions: Non-Muhammadan Rural): I beg to ask, Sir, whether I am entitled to offer any observations on the observations which have been made by two Members of this House, Pandit Motilal Nehru and the Honourable Sir Alexander Muddiman.

**Mr. President:** The Honourable Member may speak.

**Mr. M. A. Jinnah:** I understood, Sir, that Pandit Motilal Nehru asked your permission, as a matter of special consideration to him, that he should be allowed to make a statement and withdraw from this House. I submit, Sir, that we can only raise the constitutional question on the Executive Grant and I have already given notice of a motion to that effect. Therefore, so far as this particular Grant is concerned, there is no motion on the paper which seeks the rejection of that Grant.

**Mr. President:** Order, order. No motion for the rejection of that Grant is necessary. The Honourable Pandit Motilal Nehru has set the ball rolling and it is open to any other Member to follow it up. If the Members choose to follow it up and discuss the constitutional issue, they will not be entitled to raise the question again on any other motion.

**Pandit Madan Mohan Malaviya:** Sir, it is a matter of pain to me that I should have to speak at this moment on the issue that has been raised. I should have preferred not to do so.

**The Honourable Sir Basil Blackett:** On a point of order, Sir. I should like your ruling what constitutional issue we are discussing. We are discussing, as far as I know, the proposal for a certain number of lakhs to be granted for Customs and there is no motion on that motion for its rejection.

**Mr. President:** Honourable Members are entitled to follow up the constitutional issue raised by Pandit Motilal Nehru without any motion in that behalf.

**Mr. M. A. Jinnah:** According to the practice, Sir, you must state in your motion for a cut or rejection or omission the ground on which you will raise the debate. I do not find anything on the agenda.

**Pandit Madan Mohan Malaviya:** Sir, I am very sorry that I should have to speak on this motion, or rather on the observations which have been laid before this House by my Honourable friend Pandit Motilal Nehru and the Honourable Sir Alexander Muddiman. I feel, Sir, that the remarks made by the Honourable Pandit Motilal Nehru deserved to be taken in a better spirit than that in which they have been taken by the Honourable the Home Member. It cannot be a matter of satisfaction to the Government or to the country that there should be such a sharp and serious difference between the representatives of the people and the Members of the Government. It cannot be a matter of congratulation to the Government that so many of those who joined this Council should consider it their duty now to retire from it. The Honourable the Home Member has treated the matter somewhat in a spirit of ridicule. He talked of the exodus, of some of the famous exoduses in history. But here we have certain

very plain and simple facts before us. They have been narrated in a dignified manner by the Honourable Pandit Motilal Nehru which justify or at any rate offer an explanation for the action which he and those who think with him have taken. In view of that statement I think Government ought seriously to consider how far they have by their own action given strength to those who believe that the Government do not really want co-operation. The Honourable the Home Member questioned whether the Swarajists came here with the object of co-operating. I consider that, in the face of the very clear statement made by the Honourable Pandit Motilal Nehru on the first occasion when he put forward the demand for constitutional reform in this House, and which he repeated to-day, it is not open to any Member to raise a question about the motive of those who came in with him. They came to co-operate and they have given you the reasons why they feel that co-operation is now fruitless. They may be right, they may be wrong, I do not agree with all that they do, I do not agree with all the opinions they expressed; but they have placed before this House the reasons why they have not been able to continue to work here, and I submit that in this situation a responsibility is cast upon the Government to consider whether they have done all that they should have done in order to satisfy public opinion. To-day these Members have left the House. They will go to the people to tell them that they have tried to work with the Government and that the Government have not responded to their co-operation. It is the duty of the Government to consider whether, in view of the repeated demands of this House, they should not take such action as should satisfy the country. On the question of further reforms practically the entire body of Indian representatives in this House were united when the national demand was put forward in February, 1924. On the second occasion when the Majority Report of the Muddiman Committee was being considered, this House again expressed its opinion more fully by a large majority. In the face of that expression of opinion by this House, what have the Government done to satisfy the people of this country? I submit that the Government have not done their duty, and that they ought to adopt a better attitude and treat the expression of opinion such as we have had from the Honourable Pandit Motilal Nehru and the action which he and his Party have solemnly and seriously taken, in a better spirit if they want to have the good opinion of the people of this country in carrying on administration here.

**Mr. President:** The Chair regrets the circumstances which have necessitated the withdrawal from this Chamber of the largest party in this House. Whether the crisis could have been averted or not by tactful and wise handling is not a question on which the Chair is called upon to make any statement. The fact, however, remains that the House ceases to be representative in the sense in which it was intended to be by the Government of India Act, and it is for Government to consider how far they should continue this House or not. There is absolutely no doubt that the Assembly, as it is constituted now, is merely there to register the decrees of the Executive Government. It cannot be anything else and therefore it is for Government seriously to consider how long they should allow this House to function. But so long as it is allowed to function I would advise Government to bring forward only such business as is absolutely necessary for the purpose of carrying on the administration and not to bring forward any controversial measures. The Chair has a duty to see that the machinery of the Government of India Act is not abused to the prejudice of the people of this country and for that purpose the Chair possesses sufficient powers in

[Mr. President.]

the shape of the adjournment of the House *sine die* or in the shape of refusing to put any motion to the House. I hope and trust that the Government will so act in carrying on the business of this Assembly hereafter that the Chair will not be compelled to resort to its extraordinary powers. I think it is necessary in the present atmosphere to adjourn this House till to-morrow morning at 11 o'clock.

The Assembly then adjourned till Eleven of the Clock on Tuesday, the 9th March, 1926.







# LEGISLATIVE ASSEMBLY.

*Tuesday, 9th March, 1926.*

The Assembly met in the Assembly Chamber at Eleven of the Clock, Mr. President in the Chair.

## MEMBER SWORN.

Mr. Hubert Arthur Sams, C.I.E., M.L.A. (Officiating Director General of Posts and Telegraphs).

## QUESTIONS AND ANSWERS.

### STOPPAGE OF FAST PASSENGER TRAINS AT BARARA STATION ON THE NORTH WESTERN RAILWAY.

1128. \***Lala Duni Chand:** I. (a) Is it a fact that all the trains except the mail trains used to stop at Barara, a railway station on the North Western Railway, but that from October last the stoppage of fast passenger trains has been stopped?

(b) Is it a fact that there is no waiting room or even passengers' shed for the lower class passengers?

(c) Is it a fact that lot of passengers getting down at this railway station have to go to Sadhora, a distance of 16 miles, and to Nahan, a distance of over 30 miles, by tongas?

(d) Is it also a fact that the passenger trains stopping at that station arrive either in the evening or in the morning?

(e) Is it also a fact that Barara is the only station for the passengers going to and coming from Sadhaura, an important town in the Ambala District and Nahan, the capital of an important Indian State?

II. Are Government prepared to ask or suggest to the authorities concerned to continue to stop the fast passenger trains as before at Barara railway station?

**The Honourable Sir Charles Innes:** Fast passenger trains cannot be expected to stop at every station, otherwise they would cease to be fast, and the Government must leave it to the Railway Administration to decide at what stations such trains should stop and at what stations they should not stop. But a copy of the Honourable Member's question will be sent to the Agent.

**HUNGER-STRIKE OF STATE PRISONERS IN THE MANDALAY JAIL.**

1129. **\*Mr. K. O. Neogy:** (a) When were Government first informed about the hunger-strike of State prisoners in the Mandalay Jail, and by whom?

(b) Will Government be pleased to lay on the table a copy of all the messages they have received on the subject?

(c) Did Government make any inquiries from the Local Government of Burma regarding the causes of the strike? If so, on what date and when was the reply received?

**The Honourable Sir Alexander Muddiman:** I would refer the Honourable Member to the statement made by me in the House on the 1st March and to the communiqué issued by the Government of Burma, which has appeared in the Press. As the Honourable Member is no doubt aware the strike at the Mandalay Jail ceased on the morning of the 4th March.

**GRANT OF ALLOWANCES TO THE STATE PRISONERS AT MANDALAY FOR RELIGIOUS CEREMONIES.**

1130. **\*Mr. K. O. Neogy:** (a) How many representations were made by the State prisoners at Mandalay, to the local Jail officials or the Government of Burma, on the subject of the Puja allowances; on what respective dates were they made; and what replies were given thereto by the said authorities?

(b) Is it a fact that the Inspector-General of Prisons, Burma, informed the State prisoners at Mandalay that the Burma Government can merely make suggestions or recommendations, and that it is the Government of Bengal which finally sanctions the allowances and other expenditure of the State prisoners?

(c) Is it a fact that on the 25th of August, 1925, the Burma Government wired to the Bengal Government inquiring if the latter would sanction a certain amount for the performance of the Durga Puja by the State prisoners at Mandalay; and that the Bengal Government wired back on the 28th of August, 1925, to say that they declined to make any grant for the purpose?

(d) Is it a fact that the Chief Secretary to the Government of Burma wrote to the Jail authorities that in view of the decision of the Government of Bengal, the Puja expenses should be met by the State prisoners themselves from their diet allowance?

**The Honourable Sir Alexander Muddiman:** (a) A representation was received on the 25th August, to which the reply eventually given was that Government did not see its way to make any contributions from public funds towards religious ceremonies, particularly as adequate facilities were provided in the jail for the religious duties of the detenus. Meanwhile, as the Honourable Member is aware, the Superintendent of the Mandalay Jail had on verbal representations made by the prisoners, advanced sums aggregating Rs. 500. Subsequent representations were made and rejected after a reference had been made to the Government of Bengal.

(b) I understand that the Inspector General did make a statement to the effect that the amount of allowances was ultimately decided by the Government of India and the Government of Bengal.

(c) The Government of Burma communicated the prisoners' request to the Government of Bengal who refused it.

(d) Orders were issued to the effect that the amounts expended should be recovered from the allowances of the prisoners. As the Honourable Member is aware the recovery was subsequently waived.

**Mr. K. O. Neogy:** Were the representations referred to in clause (a) of my question forwarded to the Government of India by the local authorities?

**The Honourable Sir Alexander Muddiman:** I think so, Sir; but I should like to have notice of that question.

GRANT OF ALLOWANCES TO THE STATE PRISONERS AT MANDALAY FOR  
RELIGIOUS CEREMONIES.

1131. **\*Mr. K. O. Neogy:** (a) When was the Durga Puja celebrated by the State prisoners at Mandalay; and when and from what source did the Government of India first come to know about the claim made by the said State prisoners for the Puja allowance?

(b) Did the Government of India hold any communications with the Burma Government on the subject, if so, on what dates did they send these communications, and on what dates were the replies received?

(c) Did any representations made by the State prisoners at Mandalay on the subject reach the Government of India; if so, what dates did they bear, and on what dates respectively were they received by the Government of India?

**The Honourable Sir Alexander Muddiman:** (a) and (b). I refer the Honourable Member to the statement made by me in the House on the 1st March.

(c) One representation was received by the Government of India on the 11th February bearing the date 16th January, 1926.

**Mr. K. O. Neogy:** Sir, may I put questions Nos. 1132 to 1137 standing in the name of Mr. C. S. Ranga Iyer? I have been authorised by him in writing to put these questions on his behalf. (Loud Applause.)

**Mr. K. Ahmed:** May I ask, Sir, whether my friend is representing in this Chamber the Swarajists who have walked out? (*Cries of "Order, order."*)

REPORT OF MR. PATTERSON ON THE TREATMENT OF STATE PRISONERS  
IN THE MANDALAY JAIL.

1132. **\*Mr. K. O. Neogy** (on behalf of Mr. C. S. Ranga Iyer): 1. Is it a fact that Mr. Patterson, Commissioner of Prisons, England, was asked by the Chief Secretary to the Burma Government to inspect the Mandalay Jail and to submit a confidential report about the detenus there?

2. Is it a fact that immediately on entering the ward of the detenus and before making any inquiries whatsoever he remarked as follows:

"You are treated better here than in any other part of the world . . . May I take it that I have the pleasure of meeting eight of the most dangerous men in India?"

3. Is it a fact that on his making the said remarks, he was told that detenus were not prisoners and had not been brought to trial?

4. Is it a fact that in answer to certain questions put to him, Mr. Patterson confessed that he had not seen any jail outside Europe, and that there were no detenus in England?

5. What was the object of Mr. Patterson's visit?

6. Has Mr. Patterson submitted any report to the Government regarding the said detenus at Mandalay?

7. Are the Government going to publish the report? If so, when is the report likely to be out?

**The Honourable Sir Alexander Muddiman:** Mr. Patterson is visiting and reporting generally on jails in Burma and the Local Government considered it desirable that he should visit the detenus so as to have first hand information as to the conditions under which they were restrained and also give Government the views of one entirely unconnected with jail administration as to the arrangements and comforts provided. He has not made any formal report but has stated verbally that he regards the arrangements made as excellent. It is not proposed to issue any report on the subject. Government have no knowledge of Mr. Patterson's conversation with the detenus.

#### GRANT OF ALLOWANCES TO THE STATE PRISONERS AT MANDALAY FOR RELIGIOUS CEREMONIES.

1133. **\*Mr. K. O. Neogy** (on behalf of Mr. C. S. Ranga Iyer): 1. Is it a fact that the Government refused to sanction any money for the performance of Pujas by the State prisoners at Mandalay? If so, on what grounds?

2. Is it a fact that they made a representation stating that in the Alipore Jail a sum of Rs. 1,200 per year is granted as allowance to the Chaplains attached to the jail for the benefit of Anglo-Indian prisoners there?

**The Honourable Sir Alexander Muddiman:** (1) I invite the Honourable Member's attention to the statement made by me on the 1st March.

(2) Yes.

#### PROVISION OF WARM CLOTHING FOR THE STATE PRISONERS AT MANDALAY.

1134. **\*Mr. K. O. Neogy** (on behalf of Mr. C. S. Ranga Iyer): 1. Is it a fact that in December last the detenus at Mandalay asked Major Shepherd, the then Superintendent, to sanction expenditure on extra warm clothing required by the detenus?

2. Is it a fact that Major Shepherd offered convict blankets (otherwise known as coolie blankets) to Mr. Subhas Chandra Bose and other detenus?

3. Is it a fact that Mr. Subhas Chandra Bose indignantly declined the offer and brought the matter to the notice of the Inspector-General of Prisons, Burma? Have any steps been taken thereon?

**The Honourable Sir Alexander Muddiman:** The question of the provision of warm clothing is under the consideration of the two Local Governments. As an emergency measure, a brand new jail made hospital blanket was offered by Major Shepherd to Mr. Bose who complained of the cold. He took offence at this and the matter was brought to the notice of the Inspector General of Prisons, who was however satisfied that no offence was meant. The Local Government do not propose to take any further action.

CLOTHING ALLOWANCES FOR THE STATE PRISONERS AT MANDALAY.

1185. \***Mr. K. C. Neogy** (on behalf of Mr. C. S. Ranga Iyer): 1. Is it a fact that at the time of his last visit to Mandalay (*viz.*, in January, 1926), the Inspector General of Prisons, Burma, told the detenus there that the question of their allowance and decisions regarding their place of confinement rested with the Bengal Government and not with the Burma Government? Was that in direct conflict with the statements by Sir Hugh Stephenson recently in the Bengal Legislative Council?

2. Will Government be pleased to state whether his version is true or that of the Inspector General of Prisons, Burma?

3. Is it a fact that the allowance for clothing of the said detenus has been exhausted, and that the detenus are without any funds for meeting their clothing requirements till August next?

4. Is it a fact that the said detenus have made representations to Government for further grants for their clothing? Have any orders been passed on the said representations? If not, why not?

**The Honourable Sir Alexander Muddiman:** (1) The Inspector General of Prisons made a statement to the effect that the amount of allowances and places of confinement were ultimately decided by the Government of India and the Government of Bengal.

(2) I would refer the Honourable Member to the statement made by me on the 1st March.

(3) and (4). The clothing has been exhausted. The detenus have made representations in the matter and these are under consideration.

INADEQUACY OF THE ALLOWANCES OF THE STATE PRISONERS AT MANDALAY FOR THE PURCHASE OF NEWSPAPERS, MAGAZINES, TOILET REQUISITES, ETC.

1186. \***Mr. K. C. Neogy** (on behalf of Mr. C. S. Ranga Iyer): 1. Is it a fact that an allowance of Rs. 7 per month has been made by Government to each detenu for the purchase of two newspapers, one magazine, toilet requisites, stationery and other articles which do not come under the description of clothing? Is it a fact that the Inspector General of Prisons, Burma, has admitted that it is impossible to meet the above requirements within Rs. 7?

**The Honourable Sir Alexander Muddiman:** The increase of the allowance of Rs. 7 is being considered.

REDUCTION IN THE WEIGHT OF MR. SUBHAS CHANDRA BOSE, A STATE PRISONER AT MANDALAY.

1187. \***Mr. K. C. Neogy** (on behalf of Mr. C. S. Ranga Iyer): Is it a fact that Mr. Subhas Chandra Bose's weight has gone down and that his present weight is 156 lbs.?

**The Honourable Sir Alexander Muddiman:** Mr. Bose's present weight has been reduced to 144½ pounds owing to his having been on hunger-strike.

**Mr. S. C. Ghose:** May I ask the questions standing in the name of Mr. Amar Nath Dutt, Sir?

**Mr. President:** Has the Honourable Member been authorized?

**Mr. S. C. Ghose:** He has authorised me in writing. (Loud Applause.)

ARRANGEMENTS FOR FILLING THE OFFICIATING VACANCY OF  
SUPERINTENDENT OF THE GOVERNMENT TEST HOUSE AT ALIPUR.

1138. **\*Mr. S. C. Ghose** (on behalf of Mr. Amar Nath Dutt): Is it a fact that the Superintendent of the Government Test House at Alipur is shortly going on long leave? If so, do the Government propose to appoint the Physicist of that office to act for him and appoint an Indian in place of the Physicist?

**The Honourable Sir Bhupendra Nath Mitra:** The reply to the first part of the question is in the affirmative. Government have decided to appoint the Physicist to officiate as Superintendent, Government Test House, during the absence on leave of the substantive incumbent and to entrust to him, as a purely temporary measure, the duties of the post of Physicist in addition to his own.

APPOINTMENT OF AN INDIAN TO OFFICIATE AS CHIEF CONTROLLER OF  
STORES.

1139. **\*Mr. S. C. Ghose** (on behalf of Mr. Amar Nath Dutt): Is it a fact that the present officiating Chief Controller of Stores is shortly going on leave? If so, do the Government propose to appoint an Indian in his place?

**The Honourable Sir Bhupendra Nath Mitra:** The reply to the first part of the question is in the affirmative and to the second part in the negative.

NUMBER OF INDIAN GAZETTED OFFICERS WHO HAVE RESIGNED OR BEEN  
DISCHARGED FROM THE INDIAN STORES DEPARTMENT DURING THE  
PAST TWO YEARS.

1140. **\*Mr. S. C. Ghose** (on behalf of Mr. Amar Nath Dutt): Will the Government be pleased to state how many Indian gazetted officers appointed to the Indian Stores Department have resigned or been discharged during the past two years? What were the qualifications of these officers? Is it a fact that some of them were practically compelled to resign?

**The Honourable Sir Bhupendra Nath Mitra:** One Indian gazetted officer appointed to the Stores Department was discharged during the last two years. Another such officer expressed his intention not to renew his agreement with the Government on its expiry, and having secured another appointment before his agreement terminated, he resigned his appointment forthwith under Government. A third Indian gazetted officer resigned his appointment on the expiry of his period of probation. He had proved himself to be unsuited for the efficient performance of the duties of his post and was offered the option of resigning the appointment, which option he availed himself of.

A statement showing the qualifications of these officers is placed on the table.



*Qualifications.*

- (1) Of the Indian officer who was discharged :  
M.Sc., Calcutta (1st Class).  
D.Sc. (London).  
Premchand Roychand Scholar.
- (2) Of the Indian officer who resigned after securing appointment elsewhere :  
B.Sc., Calcutta.  
B.Met., Sheffield.  
Studied Metallurgy in London and Sheffield.
- (3) Of the Indian officer who resigned on the expiry of period of probation :  
Graduate in Science, Allahabad University.  
B.Sc. (Honours), Engineering (Civil, Mechanical and Electrical) of the University of Glasgow.  
A.M.I.C.E. of London.  
Associate Member of the Institute of Engineers and Shipbuilders, Glasgow.  
Member, Sanitary Institute, London.  
Holder of the Certificate of Proficiency in Engineering Science from the University of Glasgow.

THE OFFICIATING FINANCIAL ADVISER, POSTS AND TELEGRAPHS.

1141. **\*Mr. S. C. Ghose** (on behalf of Mr. Amar Nath Dutt): Is it a fact that the present Financial Adviser of Posts and Telegraphs belongs to the Military Accounts Service and has had no previous experience of Post and Telegraph finances? If so, will the Government be pleased to state why no Indian officer of the Civil Accounts Department was appointed? What is the pay of the post and what is the pay of the post which the present incumbent held in his own service, prior to his present appointment? Was there no Indian officer of the Finance Department of sufficient standing available for the post?

**The Honourable Sir Basil Blackett:** The Honourable and absent Member presumably refers to the officiating Financial Adviser. He was appointed to officiate with a view to testing his capabilities in the same way as had been done in the case of two members of the Civil Accounts Department on previous occasions when an officiating appointment had had to be made. The pay of the post is 2,500—125—3,000, and the pay drawn before appointment to that post, by the present incumbent in his substantive appointment was Rs. 1,450 *plus* £30.

NON-OFFICIAL BILLS IN THE LEGISLATIVE ASSEMBLY.

1142. **\*Mr. S. C. Ghose** (on behalf of Mr. Amar Nath Dutt): Will the Government be pleased to state:

- (1) The number of non-official Bills of which notice was given to introduce in the Legislative Assembly from January 1924—February 1926?
- (2) The number of non-official Bills that were actually introduced in the Legislative Assembly from January 1924—February 1926?
- (3) The number of non-official Bills that were actually taken into consideration from January 1924—1926, by the Legislative Assembly?

- (4) The number of non-official Bills that were passed by the Legislative Assembly from January 1924—February 1926?
- (5) The number of non-official Bills passed by the Legislative Assembly and rejected by the Council of State during January 1924—February 1926?
- (6) Whether any non-official Bill has become law during the period of January 1924—February 1926?

**Mr. L. Graham:** (1) (a) January to September Session, 1924—51 Bills.

(b) January to March Session, 1925—50 Bills.

(c) August to September Session, 1925—35 Bills.

(d) January and February, 1926—52 Bills.

(2) 40 Bills were introduced.

(3) 9 Bills were taken into consideration.

(4) 5 Bills were passed by the Legislative Assembly.

(5) 4 Bills were passed by the Legislative Assembly and rejected by the Council of State.

(6) None.

#### OFFICIAL BILLS IN THE LEGISLATIVE ASSEMBLY.

1143. **\*Mr. S. C. Ghose** (on behalf of Mr. Amar Nath Dutt): Will the Government be pleased to state the number of official Bills:

(1) notice of which was given for introduction;

(2) actually introduced;

(3) taken into consideration;

(4) passed;

(5) have become law from January 1924 to February 1926?

**Mr. L. Graham:** (1) (a) January to September Session, 1924—21 Bills.

(b) January to March Session, 1925—17 Bills.

(c) August to September Session, 1925—21 Bills.

(d) January and February, 1926—18 Bills.

(2) 73 Bills were introduced.

(3) 57 Bills were taken into consideration.

(4) 55 Bills were passed.

(5) 52 Bills (excluding two which were certified by the Governor General).

#### ALLOTMENT OF MORE TIME FOR NON-OFFICIAL BILLS IN THE LEGISLATIVE ASSEMBLY.

1144. **\*Mr. S. C. Ghose** (on behalf of Mr. Amar Nath Dutt): (1) Are the Government aware that there are a large number of non-official Bills pending?

(2) Is it the intention to allot more days for non-official Bills so as to facilitate the disposal of the pending Bills before the dissolution of the present Assembly?

**Mr. L. Graham:** (1) Yes.

(2) Under rule 6 of the Indian Legislative Rules it is the Governor General who allots days for the transaction of non-official business after considering the state of business in the Chamber. Owing to the present state of business there is no prospect of another day being allotted for non-official business during the current Session.

**Mr. K. Ahmed:** The majority of the Bills are given notice of by Members of the Swaraj Party who walked out of this Assembly. Is not that so?

**Diwan Bahadur M. Ramachandra Rao:** May I suggest to the Leader of the House that he will request the Governor General to allot some days for the Bills which are pending?

**The Honourable Sir Alexander Muddiman:** Quite definitely no. I told the House the other day that the state of Government business was very congested now and, unless the House proceeds with greater expedition to dispose of what business is on the paper, I am afraid much will be left undone.

**Diwan Bahadur T. Rangachariar:** Will the Government consider the desirability of advising or recommending to the Governor General to allot more time for the Legislative Session?

**The Honourable Sir Alexander Muddiman:** Sir, I am rather surprised at the request when I consider that two days were allotted to the House to discuss the Budget, but it has not done so.

**Sir Hari Singh Gour:** Is the Honourable the Home Member aware that it was the desire of this part of the House to discuss the general Budget, but that the Honourable the President unexpectedly adjourned the House?

**The Honourable Sir Alexander Muddiman:** No, Sir, it is not my information.

**Sir Hari Singh Gour:** Has the Honourable the Home Member's attention been drawn to a paragraph in the papers which appeared on behalf of the Independent Party, saying that they were not parties to the conspiracy of silence after Lunch on the first day?

**The Honourable Sir Alexander Muddiman:** That, Sir, I heard from the lips of my Honourable friend who sits opposite.

**Khan Bahadur W. M. Hussanally:** May I inquire what will be the last day of the Session?

**The Honourable Sir Alexander Muddiman:** I am not in a position to make any statement on that at present. It will depend on the progress of Government business.

**Diwan Bahadur T. Rangachariar:** May I ask the Honourable the Home Member if the two days mentioned were official or non-official days?

**The Honourable Sir Alexander Muddiman:** I quite follow the Honourable Member but they were allotted by the Governor General for the purpose of general discussion of the Budget.

**Sir Hari Singh Gour:** May I ask the Honourable the Home Member whether, after the Governor General had allotted two clear days for the general discussion of the Budget, why that time was curtailed, and whether any amends will be made to this House for the curtailment of the time allotted for the Budget discussion?

**The Honourable Sir Alexander Muddiman:** I may remind my Honourable friend of the well-known proverb, "You may bring a horse to the water but you cannot make him drink."

ARRANGEMENTS FOR THE DISPOSAL OF FOREIGN PARCELS IN THE  
CALCUTTA GENERAL POST OFFICE.

1145. **\*Mr. S. C. Ghose** (on behalf of Mr. Amar Nath Dutt): (a) Is it a fact that Mr. C. D. Rae, Presidency Postmaster, Calcutta, drafted auxiliaries from the various Departments of the Calcutta General Post Office to work in connection with the disposal of foreign parcels despite the Government of India's sanction of overtime allowance for the work? If so, was he authorised to ignore the decision of the Government of India?

(b) Is it a fact that no arrangement for the work of the auxiliaries is made by him and that they have to pull up the arrears? If so, why?

(c) Will the Government please state what procedure is being followed at the Bombay General Post Office for the disposal of inward foreign parcels?

(d) Do the Government propose to order that the same procedure be adopted in Calcutta General Post Office?

**The Honourable Sir Bhupendra Nath Mitra:** (a) The Honourable Member's attention is invited to the reply given by me on the 22nd February, 1926, to part (2) of Mr. S. C. Ghose's unstarred question No. 169.

(b) It is presumed that the drafting of auxiliaries to the Foreign Parcel Department does not cause arrears, otherwise the Presidency Postmaster would not be able to spare their services.

(c) In the Bombay General Post Office the permanent staff of the Inward Foreign Parcel Department deals with inward foreign parcels up to a certain numerical limit, beyond which extra staff is employed according to an approved scale. The extra clerks are drawn from other Departments of the General Post Office and are paid at Rs. 2 a day, the extra menials employed are outsiders.

(d) No. On the contrary the Director General proposes to see whether the Calcutta system cannot be introduced into Bombay in pursuance of the policy of making the staff more mobile.

DRAFTING OF MEN FROM THE CORRESPONDENCE DEPARTMENT TO WORK  
IN THE PARCEL COUNTER OF THE GENERAL POST OFFICE, CALCUTTA.

1146. **\*Mr. S. C. Ghose** (on behalf of Mr. Amar Nath Dutt): Is it a fact that Mr. C. D. Rae, Presidency Postmaster, Calcutta, drafted men from the Correspondence Department, General Post Office, to work in the parcel counter? If so, will the Government please state the reason of such frequent drafting?

**Mr. H. A. Sams:** Yes. The reason is that it is imperative that the staff should be mobile in order to meet pressure of work at the rush hours.

LOSS OF PARCEL BAGS AND INSURED ARTICLES IN THE GENERAL  
POST OFFICE, CALCUTTA.

1147. \***Mr. S. C. Ghose** (on behalf of Mr. Amar Nath Dutt): (a) Is it a fact that parcel bags and other valuable articles are left scattered in the Department and Mr. C. D. Rae, though requested to make necessary arrangements for the safety of the articles, has not taken any steps to do so?

(b) If not, do the Government propose to make inquiries and state the reason?

(c) Has the attention of Government been drawn to the fact that the loss of parcel bags and insured articles are on the increase in the Calcutta General Post Office and Calcutta Sorting during the regime of Mr. C. D. Rae in comparison with that during the regime of his predecessors? If so, have the Government ascertained the reason?

**Mr. H. A. Sams:** (a) No.

(b) Does not arise.

(c) No.

OVERWORKED OFFICIALS IN THE GENERAL POST OFFICE, CALCUTTA.

1148. \***Mr. S. C. Ghose** (on behalf of Mr. Amar Nath Dutt): (a) Are the Government aware that a leave reserve is not promptly sent to work in place of officials on leave especially in the Import, Registration and Parcel Departments of the General Post Office and in the several Town Sub-Offices and that the existing staff are compelled to manage the duties of the absentees in addition to their own, for a long time?

(b) Do the Government propose to direct the Presidency Postmaster to see that the officials are not subjected to such extra work?

**Mr. H. A. Sams:** The answer to both parts of the question is in the negative.

EMPLOYMENT OF VAN PEONS IN ALL THE SECTIONS OF THE RAILWAY  
MAIL SERVICE.

1149. \***Mr. S. C. Ghose** (on behalf of Mr. Amar Nath Dutt): (a) Has the attention of the Government been drawn to the fact that van peons are not sanctioned by the authorities for all the sections of the Railway Mail Service and that the sorters are also required to do the work of the van peon in addition to their onerous duties?

(b) Will the Government please state whether it is a part of the duty of the sorters to do menial work as well? If not, why are van peons not sanctioned for all the sections in the Railway Mail Service?

**Mr. H. A. Sams:** (a) Yes. Van peons are sanctioned for Railway Mail Service sections where the duties are onerous.

(b) The work in question is not menial work. In some sections the work is not onerous enough to require the assistance of Van peons.

CONTRACT WITH MESSRS. GARRAGE AND CO. OF MADRAS FOR THE  
CONVEYANCE OF MAILS IN CALCUTTA.

1150. \***Mr. S. C. Ghose** (on behalf of Mr. Amar Nath Dutt): (a) Is it a fact that the Government have entered into a contract with Messrs. Garrage & Co. of Madras under the terms of which the contractors have taken over charge of the conveyance of mails in Calcutta and of the motor fleet formerly under the control of the Postal Department?

(b) If so, will the Government please lay on the table a comparative statement showing the costs of mail conveyance in Calcutta before and after the contract?

(c) Is it a fact that the old motor vans have been sold to the contractors? If so, will the Government please lay on the table a statement showing the dates of purchase of the cars and their original price as well as the price at which they have been sold to the contractors?

(d) Will the Government please state if the contract system has resulted in any saving of expenditure? If the answer be in the affirmative, what will be the actual amount of saving annually? If the answer be in the negative, will the Government please state the reasons why the contract system has been introduced?

(e) Is it a fact that the services of all the motor-drivers who were attached to the Calcutta General Post Office motor fleet prior to its transfer to the control of Messrs. Garrage & Co., were dispensed with? If so, what was the length of the service of each individual?

(f) Is it not a fact that the motor drivers rendered faithful and efficient service during the gas strike and taxi-strike in Calcutta at great risk to their personal safety?

(g) Is it a fact that after transfer of the Madras General Post Office motor fleet to the control of Messrs. Garrage & Coy. the motor drivers whose services were dispensed with received from Government a decent amount as gratuity in consideration of their past service in the Department?

(h) Do the Government propose to sanction the payment of an adequate gratuity to the discharged motor drivers of Calcutta.

**Mr. H. A. Sams:** (a) Yes.

(b) A comparative statement is placed on the table.

(c) Yes. A statement is placed on the table.

(d) Yes. The annual saving at present is Rs. 34,000 approximately. The saving will be further increased by Rs. 6,000 per annum from the 1st September 1930, when the subsidy will be reduced to Rs. 16,500 per month.

(e) Yes. A list showing their names and length of service is placed on the table.

(f) No.

(g) Yes.

(h) As the men were holding non-pensionable appointments and were liable to discharge on a month's notice they are not entitled to any gratuity.

Statement laid on the table with reference to part (b) of Mr. Amar Nath Dutt's starred question No. 1150.

(a) Before the contract	Rs. 2,65,000 approximately.
(b) After the contract	2,31,000
(b) includes { (i)	4,000 Extra " despatches.
(ii)	23,000 Pay of staff of mail department of the Calcutta General Post Office.

Statement laid on the table with reference to part (c) of Mr. Amar Nath Dutt's starred question No. 1150.

Class of vehicles.	Van No.	Date of purchase.	Original cost according to book.
			Rs.
1. Ford $\frac{1}{2}$ ton	53	May 1918	7,575
2. Ditto	640	September 1921	4,225
3. Ditto	674	December 1921	4,475
4. Ditto	1060	August 1924	2,800
5. Ditto	1076	September 1924	2,800
6. Ford 1 ton	251	November 1919	4,240
7. Ditto	261	December 1919	3,740
8. Ditto	262	January 1920	3,740
9. Ditto	272	January 1920	3,740
10. Ditto	270	February 1920	3,740
11. Ditto	296	April 1920	3,798
12. Ditto	257	April 1920	3,798
13. Ditto	151	May 1920	3,798
14. Ditto	298	May 1920	3,798
15. Ditto	199	August 1920	3,741
16. Ditto	200	August 1920	3,741
17. Ditto	515	April 1921	5,352
18. Ditto	673	December 1921	5,449
19. Ditto	676	December 1921	5,449
20. Ditto	685	January 1922	5,449
21. Ditto	684	January 1922	4,969
22. Ditto	609	February 1922	4,969
23. Ditto	708	March 1922	4,999
24. Ditto	1037	June 1924	3,200
25. Ditto	1048	July 1924	3,200
26. Denby $\frac{1}{2}$ ton	110	December 1918	8,484
27. Overland $\frac{1}{2}$ ton	100	July 1918	7,054
28. Ditto	101	July 1918	7,054
29. Ditto	102	June 1918	7,054
30. Ditto	105	June 1918	7,054
31. Ditto	106	May 1918	7,054
32. Ditto	20	August 1917	5,804
33. Federal $\frac{1}{2}$ ton	80	July 1916	8,456
34. Ditto	122	April 1919	11,544
35. Ditto	123	April 1919	8,503
36. Ditto	126	April 1919	10,651
37. Commer 3 $\frac{1}{2}$ ton	271	February 1920	13,813
38. Ditto	156	May 1920	13,692
39. Ditto	196	August 1920	18,242
40. Ditto	481	January 1921	14,642
41. Buick	4800	1918	6,500
42. } $\frac{1}{2}$ ton Trailor	...	1920	9,606
43. }			2,72,052

The total price payable by the Contractors is Rs. 87,195 as fixed by the Tribunal of Arbitration of the Bengal Chamber of Commerce. The sale price of each car is not yet available.

Statement laid on the table with reference to part (c) of Mr. Amar Nath Dutt's starred question No. 1150.

Name.	Date of entry in department.	Length of service.	
		Year.	Month.
1. Arjun Singh I . . . . .	10th December, 1919 . . . . .	5	8
2. Narain Singh . . . . .	Ditto . . . . .	Ditto.	
3. Bhagwan Singh . . . . .	Ditto . . . . .	Ditto.	
4. Hari Pada Das . . . . .	Ditto . . . . .	Ditto.	
5. Amrita Lal Das . . . . .	Ditto . . . . .	Ditto.	
6. Abir Chand Ram . . . . .	Ditto . . . . .	Ditto.	
7. Sk. Abdul Karim . . . . .	Ditto . . . . .	Ditto.	
8. Mafzal Hossain . . . . .	Ditto . . . . .	Ditto.	
9. Debendra Nath Chatterji . . . . .	Ditto . . . . .	Ditto.	
10. Arjun Sing II . . . . .	Ditto . . . . .	Ditto.	
11. Sk. Abdulla Khan . . . . .	Ditto . . . . .	Ditto.	
12. Sukh Ram Das . . . . .	Ditto . . . . .	Ditto.	
13. Suchar Singh . . . . .	Ditto . . . . .	Ditto.	
14. Panchu Gopal Dutt . . . . .	Ditto . . . . .	Ditto.	
15. C. Gomes . . . . .	Ditto . . . . .	Ditto.	
16. Lachman Lall . . . . .	Ditto . . . . .	Ditto.	
17. Babu Lall . . . . .	Ditto . . . . .	Ditto.	
18. Jogendra Singh . . . . .	13th January, 1920 . . . . .	5	7
19. Bisoon Das . . . . .	28th April, 1920 . . . . .	5	4
20. Annada Prosad Das . . . . .	5th May, 1920 . . . . .	5	3
21. Sk. Sukkur . . . . .	10th May, 1920 . . . . .	5	3
22. Basanta Kumar Sarkar . . . . .	11th May, 1920 . . . . .	5	3
23. Golam Ali Sircar . . . . .	26th August, 1920 . . . . .	5	0
24. Satish Chandra Nag . . . . .	1st March, 1921 . . . . .	4	6
25. Dal Singh . . . . .	6th May, 1921 . . . . .	4	8
26. Santa Singh . . . . .	15th May, 1921 . . . . .	4	8
27. Dharapaty Chakraborty . . . . .	12th September, 1921 . . . . .	3	11
28. C. C. Banerjee . . . . .	1st November, 1921 . . . . .	3	9
29. D. N. Sircar . . . . .	10th March, 1922 . . . . .	3	5
30. S. P. Mitter . . . . .	5th August, 1922 . . . . .	3	0
31. Narendra Nath Goswami . . . . .	18th September, 1922 . . . . .	2	11
32. H. N. Ganguli . . . . .	23rd February, 1922 . . . . .	3	6
33. J. N. Nath . . . . .	18th March, 1922 . . . . .	3	5

APPOINTMENT OF MR. O. C. JACOB, LATE ASSISTANT TRAFFIC SUPERVISOR,  
CALCUTTA GENERAL POST OFFICE, AS HEAD CLERK, MAILS.

1151. \*Mr. S. C. Ghose (on behalf of Mr. Amar Nath Dutt): (a) Is it a fact that Mr. O. C. Jacob, the late Assistant Traffic Supervisor of the Calcutta General Post Office, who was recruited direct for the appointment specially created for him was discharged from the date of abolition of the motor fleet in the Calcutta General Post Office along with the motor drivers?

(b) Is it a fact that in reply to a reference made by the Honorary General Secretary, Provincial Postal and R. M. S. Association, Bengal and Assam the Postmaster General, Bengal, has admitted that Mr. O. C. Jacob has been transferred to the general line and appointed as Head Clerk, Mails, as a temporary measure?

(c) Will the Government please state why Mr. Jacob, who has no claim to any appointment in the general line, has been provided in a selection grade appointment in the general line even as a temporary



measure in supersession of the claims of a large number of deserving permanent officials?

(d) Do the Government propose to direct him to cancel the arrangement and fill up the appointment by a senior deserving official? If not, why not?

**Mr. H. A. Sams:** (a) Yes. Mr. Jacob's appointment came under reduction on the 31st August, 1925.

(b) Yes.

(c) and (d). Mr. Jacob had 5 years and 7 months' pensionable service when his appointment was brought under reduction. The action taken is in accordance with the provisions of articles 426 and 427 of the Civil Service Regulations.

TRANSFER OF MR. O'DELL FROM THE SUPERINTENDENTS' LINE TO THE POSTMASTERS' LINE.

1152. **\*Mr. S. C. Ghose** (on behalf of Mr. Amar Nath Dutt): (a) Is it a fact that Mr. O'Dell who was recruited as a probationary Superintendent failed in the departmental examination for recruitment of Superintendents and has been appointed as a gazetted Postmaster on Rs. 350—650 over the head of several deserving senior officials?

(b) If so, do the Government propose to cancel his appointment and fill up the appointment by a senior deserving official in the Postmaster's line? If not, why not?

**The Honourable Sir Bhupendra Nath Mitra:** (a) Yes. Mr. O'Dell's transfer from the Superintendents' line to the Postmasters' line was made on equal pay.

(b) Government do not see any reason to interfere with the Director General's discretion in the matter.

COMPENSATION TO THE DEPENDENTS OF GOKUL BURMAN, A POSTAL RUNNER, MURDERED BY ROBBERS.

1153. **\*Mr. S. C. Ghose** (on behalf of Mr. Amar Nath Dutt): (a) Has the attention of Government been drawn to the fact that one Gokul Burman, a runner in the Patgram Mathabhanga line, was murdered by robbers in broad daylight while carrying mails?

(b) Will the Government please say what provision has been made for his family?

**Mr. H. A. Sams:** (a) Yes.

(b) A pension of Rs. 4 per mensem was granted to the son of the deceased runner with effect from the 8th May 1925.

**Mr. K. Ahmed:** Was there any amount of money paid for the funeral or cremation?

**Mr. H. A. Sams:** I must have notice of the question.

### LOCAL ALLOWANCES FOR POSTAL AND RAILWAY MAIL SERVICE OFFICIALS IN ASSAM.

1154. **\*Mr. S. C. Ghose** (on behalf of Mr. Amar Nath Dutt): Will the Government please state how far the scheme of local allowances for postal and R. M. S. officials in Assam has been examined and with reference to the Honourable Sir Bhupendra Nath Mitra's reply to question No. 1059, on the 3rd March, 1925, what decision has been arrived at in the matter?

**The Honourable Sir Bhupendra Nath Mitra:** The Railway Mail Service officials in Assam already get local allowances. The scheme referred to by the Honourable Member related to the local postal staff only, not to the Railway Mail Service.

2. The result of the examination of the scheme was that orders were issued by Government in April, 1925, sanctioning the grant of compensatory allowance to the following officials:

- (1) the Inspectors of Post Offices, Sylhet and Karimganj sub-divisions,
- (2) the Sub-Postmasters and clerks of Kohima, Lakhimpur North, Mokokhung, Kongon, Mao and Sadiya Post offices, and
- (3) the Sub-Postmaster, Kolasib Post Office.

3. Government are also issuing further orders extending the concession to the Sub-Postmaster Dimapur, and the Branch Postmaster, Wokka.

### ACTION TAKEN AGAINST MR. M. LAHIRI, SUPERINTENDENT, RAILWAY MAIL SERVICE, SILCHAR, FOR INSULTING THE SUB-POSTMASTER, KULaura.

1155. **\*Mr. S. C. Ghose** (on behalf of Mr. Amar Nath Dutt): (a) Has the attention of Government been drawn to the fact that Mr. M. Lahiri, Superintendent, R. M. S., "S" Division, Silchar, insulted Babu Surendra Nath Gupta, Sub-Postmaster, Kulaura?

(b) Is it a fact that the Honorary General Secretary, All-India (including Burma) Postal and R. M. S. Union, represented the matter to the Director General of Posts and Telegraphs who in reply informed him that the matter was receiving his attention?

(c) Will the Government please state whether inquiry was made into the case? If so, what action was taken against the Superintendent?

**The Honourable Sir Bhupendra Nath Mitra:** Government have no information on the subject.

### RENT OF THE QUARTERS OCCUPIED BY MR. R. H. LEGGE, TRAFFIC SUPERVISOR, GENERAL POST OFFICE, CALCUTTA.

1156. **\*Mr. S. C. Ghose** (on behalf of Mr. Amar Nath Dutt): (a) Is it a fact that Mr. R. H. Legge, Traffic Supervisor, Calcutta General Post Office, has occupied the quarters intended for one of the Assistant Postmasters?

(b) Will the Government please state if any rent is paid by him? If so, how much?

**Mr. H. A. Sams:** (a) Yes.

(b) Yes. The Traffic Supervisor pays rent at 10 per cent. of his salary. He also pays charges on account of sanitary and electric fittings.

**GRANT OF ALLOWANCES TO THE STATE PRISONERS AT MANDALAY FOR RELIGIOUS CEREMONIES.**

1157. **\*Mr. Gaya Prasad Singh:** (a) Is it a fact that the expenses of the last Durga Puja and Saraswati Puja performed by the State prisoners and detenus in Mandalay Jail have not yet been paid by Government?

(b) Is it a fact that during the War, State prisoners and detenus confined in Rajshahi Jail were allowed to perform the Durga Puja, and a handsome grant was made by the Government for the purpose?

(c) Is it a fact that a similar grant was made for the prisoners confined under Regulation III of 1818 in the Hazaribagh Central Jail in Bihar on the occasion of the Durga Puja and Saraswati Puja?

(d) Is it a fact that the detenus confined in Berhampur Jail in January, 1925, were allowed to perform the Saraswati Puja, and that a sum of Rs. 50 was sanctioned?

(e) Will the Government please state what amount, if any, has been paid to or sanctioned for the prisoners in Mandalay Jail on account of such religious performances?

**The Honourable Sir Alexander Muddiman:** (a) As a special case, the expenses of the last Durga Puja amounting to Rs. 500 have been paid by Government. No allowance was made for the Saraswati Puja.

(b) No. The facts are that a sum of Rs. 250, the expenditure of which had been wrongly authorised in this connection by the jail authorities and objected to in audit, was later sanctioned by Government in the special circumstances of the case.

(c) The Local Government report that no such grants have been made.

(d) The answer is in the negative. The amount was met from the detenus' allowances.

(e) I have given the reply in answer to (a)

**PAY OF THE STENOGRAPHERS ATTACHED TO THE RAILWAY BOARD OFFICE.**

1158. **\*Khan Bahadur Sarfaraz Hussain Khan:** (a) Is it a fact that the stenographers attached to the Railway Board office have not been given the increased scale of pay recently sanctioned for the stenographers by the Government of India, Home Department?

(b) If the answer to (a) be in the negative, will Government be pleased to state the reasons?

**The Honourable Sir Charles Innes:** Yes, for the reason that the Railway Department stands on a different footing from the other Secretariat offices.

### HEADINGS OF WORK ASSIGNED TO MR. S. D. GUPTA, DIRECTOR OF ESTABLISHMENT, RAILWAY BOARD.

1159. \***Khan Bahadur Sarfaraz Hussain Khan:** (a) Will Government please lay on the table a statement showing the headings of work done by Mr. S. D. Gupta, Director of Establishment and those done by his predecessor in office, Mr. F. Tomkins?

(b) Is it a fact that certain headings have been taken off from the work of Mr. S. D. Gupta?

(c) If the answer to (b) is in the affirmative, will Government please give reasons?

**The Honourable Sir Charles Innes:** (a) A redistribution of work of the Railway Board among the various branches of the Board's office had to be made in order to secure retrenchment of expenditure—*vide* pages 45 to 49 of the Proceedings of the Standing Finance Committee, Volume II, No. 8. The redistribution was made at the time Mr. Tomkins was Director of Establishment.

(b) and (c). Do not arise.

### OBJECTION TO THE USE OF THE WORD "MUHAMMADAN" IN GOVERNMENT PUBLICATIONS.

1160. \***Mr. S. Sadiq Hasan:** 1. Are the Government aware that the word Muhammadan which the Government use very often in their books and papers is incorrect?

2. Are the Government aware that the followers of Islam designate themselves as Moslems and are called by the same name by the sister communities?

3. Do Government propose to make this correction in their books and papers in future?

**The Honourable Sir Alexander Muddiman:** I have only recently heard that certain persons professing the faith of Islam object to being termed Muhammadans. Indeed, I have been informed that educated Muslims have, in connection with the present question, said they have never heard of any such followers objecting to the term. The term, so far as I am aware, has no objectionable significance, and further in certain phrases used throughout the English-speaking world, such as "Muhammadan Law", it would, I think, be impossible to effect any change now. If, however, the followers of Islam in this House can convince me that the feeling against the use of the term is widespread amongst Muslims and that substantially other Muslims have at least no objection to the proposed change, I am quite prepared to issue orders to secure that, wherever possible, in letters issued by the Government of India in future the term "Muslim" instead of "Muhammadan" shall be used. I consider that I am justified in asking for such proof in view of the fact that the term "Muhammadan" has been used for so long without objection.

**Mr. K. Ahmed:** Are the Government aware that, on account of not taking a sufficient number of "Muhammadans" in the Government offices, "Non-Muhammadan" officers are liable to commit such and similar mistakes all through from beginning to end?

**The Honourable Sir Alexander Muddiman:** I observe from my Honorable friend's supplementary question that he, at any rate, has no objection to using the term "Muhammadan."

#### NUMBER OF KASHMIRI OFFICERS IN THE INDIAN ARMY.

**1161. Mr. S. Sadig Hasan:** Will the Government please state the number of Kashmiri officers in the rank of Jarnadar and in higher ranks in the Indian Army?

**Mr. E. Burdon:** I am not sure what the Honourable Member means by "Kashmiri officers". If the term Kashmiri excludes Poonch and Jammu, there are no Kashmiri officers serving in the Indian Army. Nor are there any statistics to show the number of officers from Poonch and Jammu.

#### CONSTRUCTION OF A RAILWAY STATION NEAR THE KHALSA COLLEGE, AMRITSAR.

**1162. Mr. S. Sadig Hasan:** 1. Are the Government aware that a very keen need is felt for a railway station near the Khalsa College, Amritsar?

2. Are the Government aware that Mr. Wathen, the ex-Principal of the Khalsa College, obtained a promise from the Government for the building of a station near the Khalsa College?

3. Are the Government prepared to build a railway station near the Khalsa College?

**The Honourable Sir Charles Innes:** 1. The Khalsa College is within 2 miles of Amritsar station, which is easily accessible by road.

2 and 3. Government are not aware of any such promise, but in 1923, in order to serve the industrial requirements of the neighbourhood, the Railway Administration had under consideration the opening of a station between Amritsar and Chheharta, which would have been nearer to the Khalsa College than the Amritsar station. As a result of subsequent examination, however, it was decided to hold the proposal in abeyance as it was found that industrial requirements could most conveniently be met by the gradual extension, as required, of a third line from Amritsar to Chheharta.

#### UNSTARRED QUESTIONS AND ANSWERS.

##### RECRUITMENT OF OFFICERS IN THE ARCHAEOLOGICAL DEPARTMENT.

**210. Mr. M. M. Joshi:** Will Government be pleased to state what rules are in force for the recruitment of officers in the Archaeological Department?

**Mr. J. W. Shore:** Assistant Superintendents are ordinarily recruited from among the Archaeological scholars, while the posts of Superintendents are filled by the promotion of Assistant Superintendents.

### INCREASE OF THE CADRE OF THE INDIAN ARCHÆOLOGICAL DEPARTMENT.

211. **Mr. N. M. Joshi:** Has the attention of Government been drawn to the article from a correspondent in the *Times of India* dated 19th entitled 'Fascinating finds in Sind'? Are Government taking steps to increase the cadre of the Indian Archæological Department with a view to promote research on scientific lines in the vast field of inquiry opened up in Sind and elsewhere in India?

**Mr. J. W. Bhore:** Yes.

### RECRUITMENT OF GRADUATES OF INDIAN UNIVERSITIES FOR THE INDIAN ARCHÆOLOGICAL DEPARTMENT.

212. **Mr. N. M. Joshi:** (a) Are Government aware that a number of graduates of Indian Universities who have specialised in the study of the different branches of archæology are available for recruitment and practical training in the Indian Archæological Department?

(b) What steps are Government taking to ensure the recruitment of the fittest and most competent graduates?

(c) Do Government propose to introduce some competitive test before selecting candidates for recruitment in the Department?

**Mr. J. W. Bhore:** (a) Government are aware that some of the Indian Universities provide facilities for teaching in Epigraphy (namely, Gupta and Maurya inscriptions only) and the Pali language, but no arrangements exist for the study of other branches of archæology, *e.g.*, sculpture, architecture, exploration, etc.

(b) Universities are usually asked by the Director General of Archæology to nominate candidates for the archæological scholarships.

(c) Not at present.

**Mr. President:** The remarks which I made yesterday have been taken by several non-official Members of this House as a reflection on them. It is my duty to assure them that I never meant to cast any reflection on them. What the Chair intended to emphasize was that the Government should not take advantage of the numerical weakness of the representatives of the people in this House and bring forward measures of a highly controversial character, except such as were necessary for the discharge of their responsibility and the carrying on of the administration. I might add further, that I feel, on reflection, that the Chair should not have made reference to its own powers, or have used language which might perhaps be construed as a threat to the Government, but should have awaited further developments before deciding on its course of action. (Applause.)

**The Honourable Sir Alexander Muddiman** (Home Member): Sir, I confess that I left the House yesterday with a feeling of profound oppression. I will add nothing to the situation beyond saying that your words to-day have done much to relieve that.

THE GENERAL BUDGET—LIST OF DEMANDS—*contd.*

SECOND STAGE—*contd.*

*Expenditure from Revenue—contd.*

DEMAND No. 16—CUSTOMS—*contd.*

**Mr. President:** The House will now proceed with the further consideration of the Budget (Part II).

**Mr. M. A. Jinnah** (Bombay City: Muhammadan Urban): Sir, before you proceed with the motion before the House, I understand from the Honourable the Leader of the House that the Government have no objection, if you will permit us, to our raising the general discussion as to the policy of the Government and as to the constitutional issue on the Executive Council Grant instead of on the Customs Grant with which we are dealing to-day. I understand the Honourable the Home Member agrees to that, provided, Sir, you will agree to it.

**The Honourable Sir Alexander Muddiman** (Home Member): Sir, I certainly am quite prepared to take the discussion on Grant No. 28, when duly reached, if you have no objection.

**Mr. President:** If that is the general sense of the House, the Chair has no objection.

**Sardar V. N. Mutalik** (Gujarat and Deccan Sardars and Inamdars: Landholders): Sir, I move that the Demand under the head Customs be reduced by Rs. 1,001, the object being to discuss the tariff policy of the Government of India. Sir, before I come to the point, I must say . . .

**The Honourable Sir Basil Blckett** (Finance Member): On a point of order, Sir. I think your predecessor ruled that questions of tariff policy should be raised on the vote for the executive department concerned and not on the Customs vote, which has nothing to do with policy.

**Mr. President:** The Honourable Member might wait till the particular Demand is reached.

**Mr. B. Das** (Orissa Division: Non-Muhammadan): May I just point out that we are going to discuss the duties that are levied under this Customs head; I have given notice of an amendment on this.

**Mr. President:** The Honourable Member may raise that question under the appropriate Demand.

*Inefficiency of the Administration of the Customs Department.*

**Sardar V. N. Mutalik:** Sir, I move:

"That the Demand under the head 'Customs' be reduced by Rs. 100"  
the reason being the inefficiency of the administration.

Sir, my point in moving this is that I feel that the administration of the Customs Department is not as efficient as it should be. Sir, there are many amendments which go to show that everybody feels that there is a good deal of smuggling going on, and the effect of such smuggling is the consequent loss to the Government. First of all, valuable articles are

[Sardar V. N. Mutalik.]

smuggled in various ways. When we were discussing the reduction of the saccharine duty, it was admitted on the part of the Government that smuggling is going on and the Government are unable to prevent this smuggling. Sir, there is smuggling going on not only with regard to saccharine, but it appears, as was shown at that time by my Honourable friend, Seth Kasturbhai Lalbhai, that valuable articles like silk cloth and gold thread are also smuggled. Besides these, various articles like liquor and perfumes are smuggled into British India from foreign territories in India; I might mention that obscene pictures also are similarly smuggled. I wish to draw the attention of the Government to this and I want to know what steps are being taken to prevent smuggling in all these respects. If we were to allow this sort of inefficient administration, the Government generally come before us with a plea for reduction of one sort or another of customs duty. Sir, I move this reduction.

**Mr. N. M. Dumasia** (Bombay City: Non-Muhammadan Urban): Mr. President, I think there must be something rotten in our tariff policy. Last year we passed a Bill to put up a barrier against smuggling from foreign territories, and what do we find? Japanese silk goods, on which a duty of 30 per cent. is levied, are allowed to enter free of duty from the Siamese frontier. I think Government should take steps at once either to put a duty on those goods or reduce the duty on Japanese silk piece-goods, so that smuggling may be prevented. I think it was an error on the part of Government which has put the Government and the merchants of Bombay to a very serious loss. People are allowed to bring in goods—not smuggled—but free, as there is no duty on the land frontier upon Japanese and Chinese silk piece-goods. This is a very extraordinary thing that honest merchants should be allowed to suffer while people who have dishonest intentions are allowed to bring in these goods without the least risk of being punished. This is due to an error on the part of the Government and I hope it will be rectified at once.

**Dr. S. K. Datta** (Nominated: Indian Christians): Sir, if you will permit me I shall withdraw (at a later stage) the motion of which I have given notice, namely, that the Demand under the head "Customs" be reduced by Rs. 100 (Smuggling of Opium and other drugs). I did not quite know what was going to be raised when my friend Sardar Mutalik moved his reduction and I think it will save the time of the House if I make my position clear at this stage with regard to the particular form of smuggling, namely, of articles that are prohibited from being brought into India except under special regulations. Sir, I refer to the smuggling of large quantities of cocaine and other drugs into British India. Those of us who are at all aware of what is happening and keep our eyes open, see almost daily references in the Press to hauls of cocaine that have been made by the police in various cities in India. I have a particular case in mind just now. A few months ago one of the magistrates in Calcutta referred to the fact that very large quantities of cocaine were coming into India and said that probably there were very important persons and interests who were involved in this particular form of traffic. If you will permit me, Sir, I would like to make reference to some of the international aspects of this cocaine traffic because it affects our position here in India.



Immediately before the signing of the Peace Treaty, it was discovered that there were a considerable number of nations, particularly, Germany, who had enormous quantities of cocaine and other medical drugs. The war came to an end suddenly and here were these large stocks. Under the Treaty of Versailles these stocks of cocaine and other drugs, it was agreed, were to be divided up among the allied powers. Great Britain and the United States refused to take any portion of these stocks; but France, Italy and Japan accepted their share of those stocks. Now, since the Peace Treaty, many nations almost simultaneously began to suffer from this illicit smuggling of cocaine. On one occasion an enormous haul of cocaine was made in New York by the police, which had been brought into America as a consignment of Italian olives. In 1923, in Calcutta, in one ship there were seized 600,000 doses of cocaine and in another ship the equivalent of 250,000 doses of cocaine; similar seizures of cocaine coming into British India have been made from time to time.

These are but glimpses of what must be an international trade. Another glimpse is given us by an American writer, Mr. Gavit. In a recent book, he quotes the following advertisements which appeared in a Japanese trade journal named the *Spot Goods Reporter*. In an issue of the 22nd October, 1920, the following notice appeared under the heading of "Spot Goods Offered":

No. 808: COCAINE, crystal, offer 100 tons in 25 oz. tins. Grade N. C. F. Dutch manufacture. Y 22 per oz. incl. duty, Spot Tokio.

Again:

No. 810: COCAINE, crystal, can supply any amount, up to 1,000 tons. In 25 oz. tins Bœhringer's brand Y 21 per oz., duty paid, Spot Tokio.

When you consider, Sir, that the total annual medical requirements of the world are not more than 12 tons, and that here is a firm offering a thousand tons of cocaine, I say, Sir, there must be an international organisation behind it which is determined on finding markets for this cocaine which has been produced in these enormous quantities. Now, there are several ways of preventing an illegal trade of this kind, one by international action—and I am glad that India has been a party to an agreement at Geneva by which the production of cocaine will be restricted: the other way is by action in the ports in India, namely, by increasing our preventive services and making them more efficient. A third method of preventing smuggling into India of this contraband is by strengthening the law. I believe that not merely should deterrent sentences be inflicted on those who are actually caught dealing in cocaine, but penalties should be imposed upon the master of a ship in which these drugs are brought into this country; and further not merely should the master of the ship be held liable but the proprietors of the ship should also be penalised. Let it be known that at the Indian ports these precautions will be taken and that the law will be enforced not merely against those who actually smuggle but also against the ships that carry contraband and against their proprietors, and I am sure, Sir, that the traffic in cocaine and other drugs will soon cease. There is an international gang operating, but if the department will strengthen its preventive services, and penalise those who have any sort of connection with this traffic, I think a great deal can be done to stamp out this illicit trade in cocaine and other drugs.

**Mr. W. S. J. Willson** (Associated Chambers of Commerce: Nominated Non-Official): Sir, while having a great deal of sympathy with the remarks of my Honourable friend Dr. Datta in his efforts to stamp out the ill use of cocaine, I must dissociate myself from his proposal that a penalty should be imposed on either the master of the ship or the owner which has the misfortune to carry it. I think really that Dr. Datta is too fair a man to mean that the master or the owner of a ship should be penalised unless guilt could be brought home to them. I would ask him how in the name of all that is reasonable can he suppose that the master of a ship could possibly find out what small doses of cocaine may be hidden in a ship's cargo? Has Dr. Datta any idea of the size of a ship's cargo or of the things that can be put on board and carried free of freight? How is it possible for any officer of the ship to find out whether any package contains opium or cocaine or to be responsible for it if it is carried without his consent or knowledge? The same remark would apply even more forcibly to the shipowner, Sir, and I would ask my friend Dr. Datta to be so good as to qualify his remarks by saying that he does not mean to penalise the ship master or owner unless guilt be proved against them.

**Mr. K. Ahmed** (Rajshahi Division: Muhammadan Rural): Sir, as far as my information goes, I understand that the proprietors of ships and the shareholders of shipping companies pay very little salary to their *khalasis* and *sarangs* who are generally supposed to carry opium, cocaine and other objectionable drugs into this country because they are paid comparatively low salaries. Whenever these people go to foreign countries in the steamers, they generally bring opium and other drugs into this country because of the inadequate income which they derive from their employers, and it is these people who are ultimately sent to jail. It is high time, therefore, that the shipowners and shipmasters, especially the directors of Shipping Companies like my Honourable friend Mr. Willson who, I understand, represents several important shipping companies in Calcutta, should take the responsibility in some way or other, if smuggling takes place. I suppose it will be for the benefit of the country if the shipowners are made to accept responsibility in this matter.

**Mr. A. H. Lloyd** (Member, Central Board of Revenue): Sir, if I may go back to the beginning, the Honourable Member who moved this cut was primarily interested in the smuggling of dutiable goods, goods liable to high rates of duty. It must be admitted that, owing to the peculiar conditions of the sea and land frontiers of this country, there are opportunities for evasion of customs duty in certain cases where the amount to be made by such evasion is large, taking into consideration the intrinsic value of the goods or the difficulty of transporting them. In the old days, Sir, when we had a 5 per cent. tariff on most goods, and when the goods which were liable to high duties were goods that could not easily be transported on say mule back or in head loads (things like liquor), we were practically protected against smuggling by the mere accident of geography. It was not worth while taking a roundabout route which, in many cases, is very difficult, in order to avoid a low duty. It is well recognised now that certain duties that have been put on are so high as to remove that natural protection, and we are now face to face with very difficult problems that come upon us arising from the character of our frontier. We have land frontiers from the Persian Gulf round to Malaya which are almost impossible to protect completely in the manner

in which land frontiers in Europe for example are protected without an expenditure one would tremble to think of. Then again we have certain States in India which have seaports of their own and we have also the foreign territories belonging to European Powers in India which also act independently in these matters. The problems resulting from this situation have engaged the constant attention of the Department with which I am connected, and we cannot pretend that we have yet succeeded in solving them. The difficulties which they offer are, to any one who considers their character, very grave indeed, particularly where relations with other States and Powers are involved. I might draw the attention of the Honourable Member to the Report of the Indian Taxation Inquiry Committee, particularly to paragraphs 150 to 153 on this subject. That Committee points out, so far as the problem relates not to the external land frontiers, but to non-British ports in India, that a Customs Zollverein would be an ideal solution for the trouble; but I fear, Sir, it will be a considerable time before we succeed in reaching that solution. The Committee recommends that a special skilled inquiry should be inaugurated in order to consider the possibility of stopping the various gaps which occur in the present system, and I have very little doubt that, when the examination of this Report which the Honourable the Finance Member said will be taken up as soon as the Session is over, comes up, the question of conducting such an inquiry will be most carefully considered and probably be given effect to.

As regards one particular class of article which was referred to, that is to say, Japanese silk goods imported from Siam, I would ask my friend Mr. Dumasia to refer to the Gazette of India, dated the 27th of February, 1926, from which he will see that the Government of India have now applied the Indian Tariff Act so far as it relates to silk goods and manufactures and to silk mixtures . . . . .

**Mr. N. M. Dumasia:** You had omitted it so long.

**Mr. A. H. Lloyd:** My Honourable friend complains that this action is belated. The explanation of that is a simple one. Hitherto the land frontier between Burma and Siam, which is one of considerable length, and much of which is in very wild country, has had no tariff applied to it. When we applied the tariff in 1924 to certain articles, our object was solely to prevent the importation through Siam of those goods which would ordinarily come by sea from other countries, not Siam. We discovered that such goods as matches, cigarettes and saccharine were being imported from Siam and they were not Siamese goods by any stretch of the imagination. When that action was taken in December, 1924, we considered the question of silk goods too and we ascertained that there was a considerable trade, which I might call a natural trade, in silk goods from Siam into Burma. That trade was a very long-standing one. It certainly had not sprung up as a result of the high duties because it was there in equally large volume when the duty was only 5 per cent. In fact, they were goods of Siamese manufacture. We therefore wanted to be very careful and see that we did not impose any undue hardship on anyone before we applied the tariff duty on silk goods to that frontier. It was only recently, Sir, that we got definite information that this loophole was being taken advantage of and that in addition to the natural trade in silk goods from Siam, the practice of importing silk goods from Japan and China had sprung up or was about to spring up. It had not gone

[Mr. A. H. Lloyd.]

very far before. It has not yet gone to any very great length. In actual practice I believe that some of the largest attempts of this sort, according to our information, are already in the process of organisation, and these will, I have every reason to hope, be unprofitable as soon as the notification of February 27th of this year comes into operation. I do not think, Sir, that considering our policy in the past with regard to those countries with which we have land frontiers, it can be a cause of complaint that we are careful before we extend the application of the Land Customs Act to goods which are in the ordinary course produced in those countries themselves.

Now, let me turn, Sir, to what Dr. Datta said about cocaine. In this respect the position is somewhat different. The problem is undoubtedly one which arises in the chief ports themselves. Cocaine is, although perhaps not to a sufficient extent, an article of contraband all over the world and it is not nearly so likely to be able to find its way through such places as Pondicherry as for example gold thread, which in Pondicherry is regarded as perfectly harmless and indeed is regarded in British India also as perfectly harmless as soon as it has paid its duty. So far as my information goes, cocaine smuggling is primarily concentrated in the chief ports and the question is how to prevent smuggling from the ships in these chief ports on to the shore. The profits of this unlawful trade are exceedingly high. The difficulties of checking it are, I think, to anyone who has visited any of the chief ports, almost staggering in their dimensions. In a place like Calcutta, you may have at one time many ships waiting to discharge their cargoes and take in new cargoes. They are frequently ships engaged in international trade—in continental trade. You may have a vessel which may have cocaine on board,—which has come from one of those countries, from which we are used to expect cocaine smuggling,—lying two or three weeks in port. You may have at any moment 20 or 30 such vessels which are suspect—when I say suspect, I mean which are engaged in trade of such a character that smuggling cocaine may be taking place. At the same time you may have another 20 or 30 vessels, or perhaps 10 or 20 at any rate, which may be used for the export smuggling of opium to the Far East or to Burma. The task therefore before the customs officers is a tremendous one and if we were to be able to say that we had stopped every chance of smuggling, we should have to entertain a sufficiently large staff to watch both on shore and on the vessel itself every one of those vessels. The cost would be tremendous, and even when that were done, one could not be certain of success. We have therefore concentrated upon the entertainment of a special rummaging staff. In a place like Calcutta, for instance, quite a number of officers are employed specially on this work. These staffs are of the nature of detective staffs. They watch suspected vessels and they conduct surprise searches to detect any smuggling that may be taking place. They also naturally depend very largely upon information in order to go to the place where they are most likely to be successful. It would be impossible for me to claim that they are sufficient to cover the ground. In fact I think it would be very hard to say what would be the minimum staff that could cover the ground. It would be something the cost of which would be very very considerable indeed. I am aware, Sir, that the House would not be disposed to grudge the cost if they were assured of getting full value for the money. Considering the

importance of the work which is being done, therefore, by these detective staffs I think that we can claim that we are doing a very great deal to meet the evil.

**Mr. K. Ahmed:** Not at all, Sir. Make the shipowners liable and put the burden on them.

**Mr. A. H. Lloyd:** What it comes down to is this. The first of the measures which Dr. Datta mentioned is really the one which is of the greatest importance, and that is, international action, and in particular, control at the source. It is on that that all effort must be concentrated. Any one who has studied the Convention arrived at by the Second Conference of the League of Nations at Geneva about a year ago will realise that if all the important nations come into that Convention and work it fairly, an enormous step forward will have been made. In all the international discussions at Geneva and elsewhere it has been constantly recognised that there is no hope of stopping smuggling of such deleterious drugs unless you can control them at the origin itself. That has been most emphatically stated on every hand and I personally feel that, although we must not relax our efforts in this country, the great hope for the future lies in the developments arising from the International Convention relating to dangerous drugs, if and when it is fully adopted by all the countries concerned. At present I am afraid we cannot be absolutely certain that it will be so acted upon, because I believe that the only country which has yet ratified that Convention is the British Empire. I have no doubt that other important countries will ratify it in due course. In this international sphere of action which is constantly taking place under the auspices of the League of Nations, one important point which must not be forgotten is that arrangements have been made for the exchange of information between various countries.

**12 Noon.** We now receive and in turn communicate through the League of Nations, or in urgent cases direct, full information of every case detected or which otherwise comes to our notice that can assist in checking this smuggling, and I feel certain that the development of this system will help us greatly to put our existing detective forces into the most profitable channel of employment. I do not think that it is the place for me here to discuss the point which led to a little controversy between Dr. Datta and Mr. Willson and Mr. Ahmed as to the question of amending the law pertaining to ship masters. The law as it stands imposes a pecuniary penalty on the ship's master if without any doubt the fact of his gross negligence and complicity in the smuggling can be brought home to him. The sort of action which Dr. Datta has in mind is more drastic. It would make it possible to prosecute a ship's master for failing to take very exceptional precautions. I am aware that action of that sort has been taken in other countries, I think I am correct in saying that the Straits Settlements have got a provision to that effect, and one Local Government has suggested to the Government of India that this country should put on its Statute-book a similar measure. Well, before this is done we shall have to consider very carefully the interests of those who are likely to be affected. It may be that the effect of such a measure would be so serious to shipowners that it might gravely affect the general facilities which are at present given in the matter of shipping traffic. Therefore, I do not think I can safely prejudge the decision of the Government of India on this matter either in one sense or the other, and that is all that I can say at the present moment on that point.

**Sardar V. N. Mutalik:** I beg to withdraw my motion.

The motion was, by leave of the Assembly, withdrawn.

**Dr. S. K. Datta:** I beg to withdraw mine.\*

The motion was, by leave of the Assembly, withdrawn.

*Reduction of expenditure by combination of the Customs Department with the Salt Department.*

**Mr. K. Rama Aiyangar** (Madura and Ramnad cum Tinnevely: Non-Muhammadian Rural): I beg to move:

"That the Demand under the head 'Customs' be reduced by Rs. 100,"

to consider reduction in expenditure by combining this with Salt administration. Sir, for some time I have been placing before the Government my view that these Departments which are now under the control of the Central Board of Revenue might be combined and that would save a lot of expenditure. I first put it before the Government in the shape of a Resolution, but I could not have it ballotted. I then moved this matter by a cut in the Demand last year, but unfortunately, when my Honourable friend, Sir Basil Blackett took objection that that discussion might come up later under the Central Board of Revenue, I agreed, but that Demand never came up for discussion later. While I was speaking on my first motion, my Honourable friend, Mr. Lloyd, explained to me the methods they proposed to adopt to combine the staff as far as possible. Though the discussion did not take place afterwards, I still thought that the Department was paying attention to the suggestions made by me and that something was being done to improve the administration and minimise expenditure. Under that impression I put a question which is now printed at page 419 of the Debates of the Assembly dated the 28th January, 1926. My question was:

"(a) Will Government be pleased to state what work has been done to combine the staffs of the Opium, Salt, Customs and Income-tax Departments so as to reduce expenditure as far as possible?

(b) If so, what steps have been taken and by how much has the expenditure been decreased?

(c) What further proposals have been made to give effect to this reduction in expenditure?"

Honourable Members might see that the trend of the question indicates that I had almost a hope, rather I relied upon the Department having taken up the question and actually effected some retrenchment in expenditure. But unfortunately I got a reply from the Honourable Sir Basil Blackett to the following effect:

"(a), (b) and (c). After careful examination of the whole question it has been found that for various reasons such as geographical conditions, necessity for knowledge of the vernaculars and so on, the combination of the staffs in question is not a feasible proposition."

\* "That the Demand under the head 'Customs' be reduced by Rs. 100 (Smuggling of cocaine and other drugs into India)."

With that I was, I need not say, now thoroughly disappointed, but I propose to examine this answer in order to satisfy the Assembly whether there was any reason which might have prevailed upon the Honourable Member in charge to decide as he has done:

"For various reasons, such as geographical conditions, necessity for knowledge of the vernaculars and so on."

I want to know how a combination of these Departments can be affected either by geographical conditions or by the necessity for knowledge of the vernaculars. I do feel that these Departments are working in places where the language is the same in many parts of India, and the combination of offices or duties could not be prejudiced by either geographical position or language that had to be known. For example, I will take Madras, or Bombay, or the United Provinces, or any other province for the matter of that. The geographical position, so far as Customs and Salt go, cannot affect the combination of duties. The salt officers and the customs officers, of course, may have work within a certain area. (Mr. A. H. Lloyd: "How big an area?") Yes, that is the question. It would be 15 miles or 20 miles. Each Department has got various sets of officers and servants, appraisers, inspectors, etc. I can understand that a certain number of these officers in the lower rungs may be necessary either for the one department or the other. But I cannot understand how geographical position or knowledge of the vernacular is going to affect an attempt to combine these offices. I am now confining this particular motion to a combination of the Salt and the Customs Departments only. I have mentioned under other heads how some other Departments might be combined so as to save expenditure. I have also to refer to the report of the Taxation Inquiry Committee in this matter. I find that they have noticed this kind of extraordinary increase in expenditure going on because of Departments being started on separate occasions under separate schemes without any opportunity being given to consolidate them into one. I know that some years back the salt and excise revenues were collected by the same staff in the provinces. Recently a Resolution was passed by this Assembly to start Imperial Departments for some of these heads. The Provincial Governments helped in the collection of the revenues for the Imperial Government till a recent date and, if you only look up the expenditure for collection of all these Imperial revenues before 1921-22, you will find that the expenditure was only below one-half of most of these Departments—I mean Income-tax and Customs. It was below 45 lakhs some time back for Customs and below 22 lakhs some time back for Income-tax.

**Mr. W. S. J. Willson:** What are the collections now?

**Mr. K. Rama Aiyangar:** The collection now is considerably lower than it was some time ago for Income-tax.

**Mr. K. Ahmed:** No.

**Mr. K. Rama Aiyangar:** It was 22 crores for Income-tax three or four years back. It is now 16 and odd crores. Do not interfere at least please. You (looking to Mr. K. Ahmed) may ejaculate but do not correct me where you are wrong. Of course the customs revenue has been growing steadily and is bound to go up further and every attempt should be made to protect it as much as possible, and probably Mr. Lloyd will come forward with suggestions for protecting the customs revenue by adding



[Mr. K. Rama Aiyangar.]

to expenditure, to avoid smuggling and for similar other purposes. The Retrenchment Committee said in connection with customs revenue that they did not propose any reduction in expenditure except about Rs. 45,000 to be cut out in respect of the Bombay Customs Office. They did not say it in so many words but we have to infer from their words that at that time no increase in expenditure was needed, but since then our customs revenue has gone up considerably. I am not at all suggesting that the establishment that is now provided for Customs should be cut out to any extent, but I do say that the establishment that is now working for the Customs Department will be able with slight alterations to attend to their duties and the duties of the Salt Department with considerable efficiency. The question that arises therefore is not that geographical position or knowledge of vernaculars interferes but that the Department is not willing to pay attention to it as they expected to do some time ago. As I have already said, the Taxation Committee have referred to this aspect of the question of Departments being started independently on different occasions under different schemes which if properly looked into will save expenditure.

**The Honourable Sir Basil Blackett:** Will the Honourable Member give the reference in the Taxation Committee's Report? I do not quite follow him.

**Mr. K. Rama Aiyangar:** You will find the reference on page 446 where there is a summary of the recommendations. In clause (b) there the Committee say:

"the increase of specialisation and the separation of Imperial from Provincial functions have led to multiplication of departments and in the case of local bodies there has been a transfer to elected representatives . . ."

**The Honourable Sir Basil Blackett:** What has that got to do with Customs? It is municipal taxation.

**Mr. K. Rama Aiyangar:** It refers to departments being started on independent schemes. The detailed reference to this is in the body of the Report and I will give the reference in the course of the discussion. Therefore, my main object in bringing this motion is that the Department ought not to shirk the responsibility which it originally undertook. I do not take it as a promise. They practically conceded that the matter would be looked into. I will be able to show that if only they proposed to do it, considerable reduction will be possible. I find looking into the details of the Budget that in Madras about 16 lakhs of rupees have been spent on establishments for Salt and in Bombay 27 lakhs of rupees less monies disbursed to merchants and under contracts for purchase of salt. I exclude all this. I refer only to the portion spent on establishment. I find in Madras one Collector for Salt, four Assistant Collectors, four Appraisers, 274 smaller paid Appraisers and 122 clerks and 58 inspectors.

**The Honourable Sir Basil Blackett:** On a point of order. The Honourable Member is referring to Salt. I do not want this to be repeated on the motion for Salt.

**Mr. K. Rama Aiyangar:** I am showing how a reduction might be made. I have made a motion for a cut of Rs. 100 in order to draw the attention of the Government to the whole matter.



**Mr. President:** Will the Honourable Member go on. He is quite in order.

**Mr. K. Rama Aiyangar:** Thank you, Sir. Under Customs we find that the establishment provided is almost the same with a little extra. You find the customs establishment provides for a number of Assistant Collectors and a number of other officers, considerably overlapping each other. The question may be put to me whether the Customs Collector can attend to the Salt Department work. All that I say is that if there is one Collector for both, probably one assistant for each branch will take charge of the whole business. The Collector is only the directing authority. The Central Board of Revenue was started on that principle. In all these discussions I am bringing up I will once for all say that I will not repeat it again. My idea is that the whole difficulty is caused by only European officers being put at the head of the upper ranks. If only people that understand the habits and customs of the country and are in touch with almost all the important people in these areas are put in the higher rungs of the official ladder, there will be a considerable reduction and much trouble that is caused will be saved. One European officer is trained as Customs Collector. Another is trained as Salt Commissioner, and one does not know the work of the other, simply because he has been so trained. But the subordinate officers of the provincial services have been in both services and they are able to do the work of both very easily. It is partly a question of Indianisation no doubt, but what I say is that the whole thing will have to be worked out and it should be possible to save a lot of expenditure. You are spending about 80 lakhs of rupees on the customs staff throughout India; but the portion relating to salt will have to be combined only in a few places. In fact the customs may not at all have to help or relieve the salt staff in many places in the country, because you do not require a salt staff in most of those places. But where these two co-exist, in such centres it should be possible to reduce expenditure by many lakhs. It has been suggested that 25 lakhs would be spared from this Department, but that is not what I rely on. When I originally sent a Resolution on this for ballotting I worked it out that, if these Departments were worked together, there would be more than one crore of expenditure saved. That is my view. Of course my friend Sir Basil Blackett never agreed with me in my statements on questions like this, but if he will only take it up there would be considerable saving. In Madras and Bombay, as I said, much of the expenditure of the Salt Department might be decreased by combining the duties falling on the superior officers of the Salt Department and the Customs Department. The number of superior officers will no doubt have to be added to to a small extent. I have been here for the last two and a half years and I have never failed to press this view. In fact when I come to Income-tax and Opium I will deal with the expenditure incurred by the British Exchequer in connection with the collection of Customs and Income-tax. My impression is that they have been able in England to combine the staff for these various taxes.

**The Honourable Sir Basil Blackett:** No, that is quite wrong.

**Mr. K. Rama Aiyangar:** I will just refer to that later. I do not want to do so at this stage as objection may be taken to its being brought under this head.

[Mr. K. Rama Aiyangar.]

Now in paragraph 574 of the Taxation Inquiry Committee's Report they say:

"To sum up, the pivot of the tax administration in the case of Imperial taxes should the Central Board of Revenue direct, but with separate co-ordinating staffs to deal with customs and salt in the case of provincial taxes, etc."

That is what I have been urging, Sir, from the commencement, and it is quite possible to reduce expenditure if only it is properly combined. I expect the question to be dealt with sympathetically and with advantage to the country and to the tax-payer.

**Dr. K. G. Lohokare** (Bombay Central Division: Non-Muhammadan Rural): Sir, there was some objection on the part of the Honourable the Finance Member to allow this point to be discussed together with the Salt and other Departments, but I am afraid the reorganisation question so overlaps in several Departments that it is worth while taking it under the larger rather than the smaller heads. Paragraph 566 of the Taxation Inquiry Committee's Report is worth perusal. It reads:

"The chief Imperial taxes are customs, income-tax, salt and the excise duties on cotton goods and petroleum. The customs at the chief ports are administered by the Imperial Customs Department, those in the outports and on the land frontiers in Madras by the Customs Department, in Bombay by the Salt Department, in Bengal and Burma in some cases by officers of the Royal Indian Marine and in others by officers of the Local Government, and in Bihar and Orissa by officers of the Local Government."

That itself shows that a reorganisation covers a number of Departments small and large. Secondly, Sir, I would like to draw the attention of the House to paragraph 570.

"The solution that suggests itself is a certain measure of interchange of officers."

And then, omitting one sentence, they go on:

"The possibility that suggests itself is a partial amalgamation with the customs staff, both in outports and generally in preventive work. It has been pointed out that smuggling is very largely on the increase, especially on the land frontiers, and it might well be of considerable benefit, during the off season for salt, to be able to call upon that department to strengthen the staff in particular places or to supply a flying squad to deal with special cases."

As we see from the Report itself the establishment for collecting revenue from customs is distributed under various Departments. We have even in the Marine Department some collecting staff. This sub-division has existed since a long time. With the growth of the customs tariff between 1913 and this date our customs revenue has increased from about 6 to 7 crores to about 45 crores, and the tariff has grown up in such a way that it does require overhauling with a view to recasting not only the tariff itself but the machinery for collecting the revenue. The tariff has simply grown up wild as it were—a bunch here, a bunch there and so on; and it does require to be collected together in order that the expenses of collection may be brought down to a minimum. In the case of customs revenue the usual argument is that it is a tax which can be easily and economically collected. If that is so, then surely the expenses of collection must be very small. But if we take the expenditure under these different heads and compare it with the ratio of collection expenses of other countries, we will find that the cost of collection is high in India and comparatively

heavy. It is therefore necessary, Sir, that an attempt to reorganize the whole customs staff on the lines indicated by the Taxation Inquiry Committee is necessary at this juncture. Not only will it serve our purpose of facilitating the collection of revenue and ensuring economy, but it will serve to facilitate preventive work as well. We have noted—and it was also suggested in this House—that the preventive work becomes very difficult many a time. With such reorganization, the Taxation Inquiry Committee suggests, we can make use of some of the staff which is lying idle in the off season of the Salt Department and use it for preventive work. There will then be no excuse for a good deal of the loss of revenue that we now have. With these words, Sir, I support the amendment moved by Mr. Rama Aiyangar.

**The Honourable Sir Basil Blackett:** Sir, Mr. Rama Aiyangar appealed to me to give this proposal my sympathy. I can assure him that it is a subject which I have always approached with very considerable sympathy. The possibility of effecting some reduction in the total cost of the collection of revenue by the amalgamation of Departments is always one which must appeal, because not only does it save money but it makes for efficiency when it is possible. The House will remember that one of the early results of the appointment of the Central Board of Revenue was that we were able to combine the office of the Opium Agent in the United Provinces with the office of Income-tax Commissioner, with results that have been very beneficial I think. But it does not mean that everything that Mr. Rama Aiyangar proposes is possible. I think he said that if we were to introduce the sort of economies which he, if he were in charge, would introduce, he would be able to save a crore in the expenditure of the Income-tax, Customs, Opium and Salt Departments. Well, now excluding payments for opium and salt compensations and payments for the cost of manufacture, the cost of the four Departments together is just over 2½ crores. Does he really think that he can save a crore out of that? He may say so, but . . . . .

**Mr. K. Rama Aiyangar:** I may just say that I referred to all the four Departments—Customs, Income-tax, Salt and Opium. Taking all the Departments together, their expenditure can be reduced by about a crore . . . . .

**The Honourable Sir Basil Blackett:** But their total cost is at present 2½ crores, and he says it can be reduced by one crore!

**Mr. K. Rama Aiyangar:** 3 crores is the total.

**The Honourable Sir Basil Blackett:** The total cost is under 3 crores, it is just over 2½ crores. I am always reminded when Mr. Rama Aiyangar talks of the poet who said that:

“ You can work it out by fractions,  
Or by simple rule of three,  
But the way of Tweedledum,  
Is not the way of Tweedledee.”

I am afraid I can never reach that crore. Now I promised more than once that I would go very fully into this question of the possibility of amalgamating the Salt, Opium, Income-tax and Customs Departments

[Sir Basil Blackett.]

so far as was possible. The answer to the question which Mr. Rama Aiyangar read out had reference to the amalgamation of Customs, Salt and Income-Tax, and if he will think a little, he will realize how important the knowledge of the vernaculars is for income-tax work. As a result of the debates last year we have during the year gone very fully into this question. The matter has been examined in careful consultation with the Commissioner of Income-tax, the Collector of Customs and the Collector of Salt Revenue in Madras and the Commissioner of Income-tax, the Collector of Salt Revenue and the Collector of Customs in Bombay, and we have gone very fully into the whole possibility. I would like first of all to give a summary of the result, and in doing so I should like to mention that the figures produced by Mr. Rama Aiyangar last year in regard to the tremendous increase in the cost of these Departments drew the attention of the Madras officials to the subject, and they have proved very conclusively that they do not agree with Mr. Rama Aiyangar's figures and that Mr. Rama Aiyangar's statements so far as Madras is concerned are clearly incorrect. In the case of the Income-tax and Salt Departments the cost of the establishment is now substantially lower than it was in 1921-22. It is true the cost of the Customs Department has gone up, but that is due to special causes. Let me give some figures in regard to Income-tax. In the year 1921-22 our direct expenditure was Rs. 4,34,000. In addition we paid Rs. 5,35,000 to the Local Government by assignment for collection—a total of Rs. 9,69,000. The figure in 1925-26—of course still partly estimated—is Rs. 7,77,000 direct and Rs. 20,000 by assignment to the Local Government, a total of Rs. 7,97,000, as against Rs. 9,69,000 in 1921-22. The actual figure for 1924-25, was only Rs. 7,10,000, but I have given the estimate for 1925-26, rather than the actual for 1924-25, so as not to risk overstating the case. You will see that there is a very considerable reduction. The creation of a separate Income-tax Department resulted in a saving of Rs. 1,72,000. As regards Salt, prior to the separation of the Excise and Salt Departments, the average expenditure of the Government of India during the three years 1921-22, 1922-23 and 1923-24, under the headings "Pay of officers and establishment" and "Allowances" was Rs. 10,40,000 and Rs. 1,38,000. The expenditure in 1924-25 was Rs. 9,14,000 and Rs. 62,000, a saving altogether of Rs. 2,02,000. If the head of "Supplies and Services" and "Contingencies" is also taken into consideration, there is a saving of Rs. 2,32,000. The creation of a separate Salt Department under the Government of India has also resulted in very clear economies. In the Customs Department there has been a very considerable increase, but that is almost entirely accounted for by additional preventive work and is largely covered by recoveries. I will not go into the actual figures, but the effective increase in the case of the Customs establishment between 1921-22 and 1924-25 is only Rs. 29,000 and in considering the changes which are being effected in our tariff and the introduction of preventive duties, I do not think that the Honourable Member can say that there has been extravagance. Now I come to the question of amalgamation. The general upshot is that we have come to the conclusion that no retrenchment is possible by the amalgamation of any one of the three Departments. In general, it is objectionable to render officials dealing with such technical subjects as Salt, Customs or Income-tax liable to transfer from one Department to another. The officer—I have

heard this charge made in another connection—liable to such transfer may become “the Jack of all trades and the master of none”. This was definitely recognized at the time of the original separation of the Madras Salt and Madras Customs staff. Then the localities in which each Department has to work do not coincide. Salt factories are scattered along the coast often in lonely inaccessible spots. The customs work is concentrated in ports, while Income-tax work extends through the interior of the province. In a few places the work of the three Departments does coincide, for instance in Tuticorin. The work is very heavy in each Department. It is the second largest port in the Madras Presidency, and the Customs Inspector and the Income-tax Collector cannot combine. The Salt Inspector is the hardest worked Inspector in the Presidency and is in charge of several factories, and the recent reorganization of the three Departments has already reduced the staff to a minimum.

Then there is the point raised by Dr. Lohokare. In order to save expenditure in travelling allowances he referred to the possibility of having customs outport inspections done by the Salt and Income-tax Commissioners. Unfortunately it is not feasible. In the first place the Salt Assistant Commissioners cannot possibly undertake additional work. There are only two Assistant Commissioners in executive charge of sub-divisions as against three Deputy Commissioners and six Assistant Commissioners formerly dealing with salt work. It is well known in the days of the combined Department that salt engaged a very large proportion of the time of the superior staff. Two Assistant Commissioners are now performing the work that was formerly done by 9 officers with very small additional relief. We have also considered the possibility of one officer being at the head of the two Departments. The Income-tax Commissioner at first thought that, as his Department settled down and he is relieved of part of the work, it might be possible for him to take over salt. That proposal had to be abandoned. High Court references, inspection of income-tax offices, re-opening of cases in which there has been under-assessment and so on are keeping his time fully occupied. The Collector of Customs could not possibly undertake the detailed inspection.

I hope the House will see from what I have been able to give them in regard to Madras that we have taken this matter very seriously and that we have done our best to see whether Mr. Rama Aiyangar's idea of amalgamation could not be carried out. It is an idea which indeed existed before Mr. Rama Aiyangar's time. What applies to Madras applies *mutatis mutandis* to Bombay. Much as we should like to have been able to do something in that direction, it has not been found possible. At the same time, I would draw the attention of the House to the figures I gave in regard to the cost of tax collection in Madras. There has been a considerable decrease as a result of the improved arrangements in the taking over of the work by the Central Board of Revenue in the case of Salt and in the case of Income-tax and hardly any increase in the case of Customs. There has been practically no change in spite of the very large increase in the complexity of the tariff. I hope that in view of what I have told the House the Honourable Member who has moved the motion will be willing to withdraw it, recognising that the Central Board of Revenue so far from deserving to be condemned deserve to be congratulated on the achievement which they have produced.

**Mr. K. Rama Aiyangar:** Sir, I withdraw my motion.

The motion was, by leave of the Assembly, withdrawn.

**Mr. K. C. Neogy** (Dacca Division: Non-Muhammadian Rural): Sir, as this motion\* (No. 5) raises a question of policy, I want to discuss it under the Finance Department grant.

*Revision of the Tariff.*

**Dr. K. G. Lohokare:** Sir, I move:

“That the Demand under the head ‘Customs’ be reduced by Rs. 100.”

The purpose for moving the reduction is to consider the revision of the tariff. The present tariff and the Schedules have been considered by the Indian Taxation Inquiry Committee and the next stage of recasting these Schedules has therefore to be undertaken. We have a certain classification in the Schedules which it will be necessary to recast. We will have to divide the Schedule or rather consider the changes in the Schedule under three or 4 headings. The first will be . . . .

**Mr. K. C. Neogy:** On a point of order, Sir, I thought on a similar motion in the morning it was ruled by you that this question of policy should be raised under the Grant for the administrative department concerned, and it was on that understanding that some of us have not moved our motions.

**The Honourable Sir Basil Blackett:** I was waiting, Sir, to see what Mr. Lohokare's point was before rising on the very same point of order. If he is going to discuss the revision of the tariff, I think it will come very conveniently under the vote for the Commerce Department.

**Mr. President:** The Chair has allowed the Honourable Member to proceed in order to find out whether he really wants to discuss the tariff policy.

**Dr. K. G. Lohokare:** Sir, I want to discuss the revision of the rates in the Schedules.

**Mr. President:** He cannot discuss the revision of the Schedules without discussing the tariff policy.

*Paucity of Mussalmans in all grades of the Customs Department in Bengal.*

**Mr. Ahmad Ali Khan** (Assam: Muhammadan): Sir, I move:

“That the Demand under the head ‘Customs’ be reduced by Rs. 100.”

I move this motion with a view to draw the attention of the Government to the small number of Mussalmans in the Customs Department. The attention of the Department was drawn last year to this and we asked the Honourable Member in charge to recruit more Muhammadans if possible as Appraisers in the Customs Department at Calcutta. If I am not wrong, the number is something like 17 and there is only 1 Muhammadan; even that one Muhammadan is not on a permanent footing. I am told that

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\*That the Demand under the head ‘Customs’ be reduced by Rs. 100 (Export duty on jute).

Muhammadans with the requisite qualifications, namely, with some experience of business, are forthcoming and it depends on the attitude of the Honourable Member in charge whether more Muhammadans are to be recruited or not. To my knowledge the Customs Department in Calcutta is in the same position as elsewhere, no better, if not worse. I should like to have some statement from the Honourable Member that he will consider my motion sympathetically.

**Mr. K. Ahmed:** Sir, not only last year but for the last 3 or 4 years I have been speaking on this motion, but the Government have not paid any heed to my speeches. Sir, it was only last year, when there were 12 vacancies, that information was given to His Excellency the Viceroy and certainly also to the Customs Officer at Calcutta. Mr. Lloyd knew it perfectly well and also the Honourable Member in charge of the Finance Department, my Honourable friend Sir Basil Blackett. They have, Sir, treated this matter very lightly. But, Sir, His Excellency the Viceroy and His Excellency the Governor of Bengal have from time to time been promising, but the office of my Honourable friend Mr. Lloyd is rather smuggling cocaine. His Department, Sir, is so corrupt, his Department is so imperfect, that unless Mr. Lloyd takes special and sufficient steps to put matters right, we are here and will criticise him and his actions. Sir, it was in 1923 in the last reformed Council, that is, when the first reformed Council was going to be dissolved and the new elections were coming on, that I, in this House and in this place at Delhi and at Simla, took exception to this, and I have been strongly supported and finally returned by my constituency as I worked very hard indeed. (Applause and Laughter.) The Swarajist propaganda to prevent my election did not help them much. But what is the subject matter here? Am I to understand that Government are very benign and the Department of my Honourable friend Mr. Lloyd is very sympathetic? It seems to me, Sir, that Mr. Lloyd's heart is very hard. Mr. Lloyd goes to Calcutta on tour from time to time and we find in the Budget that so much money is spent on his travelling. But what does he do? We have approached him and his office both here and at Simla. We sent letters to him at Calcutta. We also sent telegrams to His Excellency the Viceroy praying that the Department should meet our demands. The Honourable Member in charge of the Finance Department comes here once a year after 11 months and says: "So much is the Demand, will you pass it?" Sir, there are still some Members in the lobby and inside this Chamber. Of course, the Swarajists have now deserted us and he has to depend upon us at any rate. He knows that in case of a division we may not have a majority. (Laughter.) He knows that his five years will be over next year and then he will go back to that beautiful country where he came from. But what has happened in the meantime to these poor Indians? Sir, there is a lot of smuggling going on in the office of Mr. Lloyd. Mr. Lloyd himself has been a customs officer and as such has gathered a lot of experience. But what is the good of his having that experience when he did not help us at all? Sir, the true fact is that in his office there are many subordinates who are not doing their work honestly. Sir, some time back I happened to be in the Customs Office in Calcutta which is "very close" to the High Court where justice is dispensed. But the justice that is dispensed in the Customs Office is "far away" from that of the High Court of Justice. Sir, there I heard the rumour that the subordinates take bribes. (Laughter.) Mr. Lloyd himself admitted already in a previous discussion that he has got



\*[Mr. K. Ahmed.]

a number of preventive and detective officers who are employed for the purpose of stopping the smuggling of cocaine. But, Sir, in the office itself there is a smuggling going on. Why does he not keep a good staff? Only 5 minutes ago I heard my Honourable friend Mr. Rama Aiyangar saying that Indians have a special knowledge and experience of the subject and are therefore the best men to serve the country. People who have got foreign ideas and not local and special knowledge are not fit persons to detect smuggling. Sir, for the Customs Office you require a variety of people, people from the various parts of India and Bengal. Sir, in the Customs Office a great injustice is being done. Out of 17 Appraisers not one of them is a Muhammadan with a permanent appointment. That is another mistake which is made by the people at the head of the administration. Sir, during question time they use the word "Muhammadans" for "Mussalmans" or "Muslims" which they are borrowing from the English people. They ought to use the word "Mussalmans". That is also a grievance. (Laughter.) Sir, this smuggling is done by various persons. Even shipowners, shipping agents and other Indians are not immune from it. These people do a lot of smuggling. You require Muhammadans to go to the Customs Office and appraise that matter; otherwise, your department is mismanaged. You have so many highly paid officers and, notwithstanding that, smuggling takes place because these officers take bribes. You are not properly controlling your officers and I am here to put that mistake right.

**Mr. A. H. Lloyd:** Who takes bribes?

**Mr. K. Ahmed:** The officers whom you appoint.

**Mr. A. H. Lloyd:** On a point of order, Sir. Is it fair to accuse responsible officers outside this House of taking bribes?

**Mr. K. Ahmed:** Sir, if they do not take bribes, my Honourable friend certainly admits that they are doing an injustice. 17 people were appointed as Appraisers and yet not a single Muhammadan was among them permanently appointed. And still you say you do justice? You are charged with gross negligence. Does it not come to that? Mr. Lloyd has had extraordinary experience, and after being lifted to a high place with a high salary, he sits among the beautiful hills of Simla, he comes from the beautiful town of Calcutta to the Imperial city of Delhi. It is very probable that on account of the substantial work done in the Department that he has had a lot of experience. But justice must be done. What has he done? With regard to the other appointments, namely the Appraisers, out of 17 he has not permanently appointed a single Muhammadan.

Turn to page 4. What about Preventive Officers. How many Muhammadans are there among the two or three dozens that you have? If in the Calcutta Customs House they do not take bribes, do you admit that again and again gross injustice is being done there to Muslims. His Excellency the Viceroy forwards our memorials to your office, you are the Member in charge of the Central Revenue Board and you sit tight; you go to Calcutta so many times and come back without looking into these matters.

Let us see the third item. What about the clerks? Cannot you turn to the University calendar and see how many Muhammadans have passed the B. A. examination? Is there not any reliable Head Baboo or Head



Clerk in your office at Calcutta to enlighten you, so that you can appoint these people? There are so many applications forwarded to you, I forwarded several applications myself, and you write to me that the matter will be considered. And how many letters have you written to me and to the applicants? You have not paid any heed to them and still you say they don't take bribes. How do you know? I charge you from the top to the bottom with doing injustice and being guilty of gross negligence. Unless you give us a definite promise, don't you think the Demand ought not to be passed? You do not care because the Swarajists are not here. I ask each and every Member of Government to outcaste Mr. Lloyd just as Mr. Rangachariar and Sir Sivaswamy Aiyer sitting over there have been outcasted and deserted by the Swarajists. If you have got a sense of justice give us a definite undertaking. I am very sorry to have troubled you but I had to put this matter before you in this manner, so that you may not take objection to it.

**Mr. A. H. Lloyd:** Sir, from the concluding sentence of the Honourable Member's speech I gather that he is prepared in a kind of grudging, half-hearted way to withdraw the charge of bribery against me.

**Mr. President:** Order, order. The Honourable Member never made a charge of bribery against the Member representing the Central Board of Revenues.

**Mr. K. Ahmed:** Not against him, Sir.

**Mr. A. H. Lloyd:** He has, however, still left standing the charge of hard-heartedness. I am sorry to seem hard-hearted, but the only way in which it seems to me that we could meet the Honourable Member's wishes would be to behave in a very much more hard-hearted way than we are now doing, because it would involve the dismissal of a very large proportion of our service in order to make room for Members of a particular community. The Government of India have now accepted a certain policy as regards representation of communities which was stated by the Honourable the Home Member about a year ago, and that has been communicated to Collectors of Customs and they have been instructed to bear that policy in mind when making appointments. But that policy can only be applied to recruitment as it is made as vacancies occur. You cannot say that, because we have had, say, 20 Hindu officers appointed in previous years, therefore the next ten or twenty appointments must be given to Muhammadans.

**Mr. K. Ahmed:** I did not say that either.

**Mr. A. H. Lloyd:** You cannot redress the balance of the past immediately; patience is necessary for that. You can only apply this consideration of the different communities to newly recruited staff. It must be admitted, Sir, that when a number of appointments were made in Calcutta about two years ago, amongst those selected for appointment there was only one Muhammadan. The position in Calcutta now is that amongst the Appraisers there is only one Muhammadan to 12 Hindus, 5 Indians who are not Hindus or Muhammadans . . . .

**Mr. K. Ahmed:** Why do you call them Indians?

**Mr. A. H. Lloyd:** I would refer the Honourable Member to Dr. Datta. I think Dr. Datta claims to be an Indian—17 Anglo-Indians or domiciled

[Mr. A. H. Lloyd.]

Europeans, and only two non-domiciled Europeans. It cannot be said that, as far as non-domiciled Europeans are concerned, they are very violently over-represented. Now, Sir, it is true that we must attempt, in that part of the cadre, to increase the proportion, as opportunity offers, of Muhammadans. It is not always easy, because if you go over the experience we have had, you will see that we have had a larger number of applicants from other communities, of persons who are well qualified, than we have had from Muhammadans. I do not mean we do not get qualified Muhammadans, but it is easier to get applicants from other communities . . .

**Mr. K. Ahmed:** How and why? They pass the B. A. as the others pass the B. A.

**Mr. A. H. Lloyd:** I was not speaking of that kind of qualification. The Honourable Member spoke also of the Preventive Service. When I first went to Calcutta there was only one member of that service who was an Indian without being an Anglo-Indian, in a service of about 200 men. Now it takes time to alter the character of a service of that sort, and it is not the Government's policy to make a complete and immediate revolution. Since that time no less than 44 Indians, not counting the one who was there before, have been appointed to that service. Of these 45, 16 are Mussalmans, 25 are Hindus and 4 are other non-Mussalmans. I think, Sir, Mr. Ahmed's *khalasi* friends are quite adequately looked after as regards the Indian portion . . .

**Mr. K. Ahmed:** What is the period within which these appointments were made?

**Mr. A. H. Lloyd:** I cannot remember exactly, but I think the recruiting of Indians who are not Anglo-Indians to the Preventive Service began four or five years ago, and out of a service of something over 200 we now have 40. I was referring, of course, particularly to the representation of Muhammadans as against the other Indians. I can only I think assure the Honourable Mover of this cut that I am quite prepared to forward a copy of his speech to all the Collectors of Customs who have the appointment of these officers and to draw their attention once more to the statement of policy of Government regarding appointments to Government service that steps should be taken to prevent, as far as possible, any community having an unduly preponderant share in the establishment . . .

**Mr. K. Ahmed:** Did you send my speech, Sir, in 1923 and other years? What happened?

**Khan Bahadur W. M. Hussanally (Sind: Muhammadan Rural):** Sir, I had no intention of intervening in this debate, but the speech of the Honourable Mr. Lloyd has induced me to say a few words in connection with this matter. The complaint made by my Honourable friend Mr. Ahmed Ali Khan related to the posts of Appraisers; and from what I gathered from the speech of Mr. Lloyd, he, while acting as Collector of Customs at Calcutta some time before he came here, had perhaps no idea in his mind of appointing Muslims in that Department. That is what I gathered from his speech, because he said that his attention was drawn only by the circular of the Home Department, which was circulated last year, and since then he had been making efforts to get more Muhammadans . . .

**Mr. A. H. Lloyd:** On a point of explanation, Sir. I did not wish to make any such implication. The Customs House in Calcutta used to be under the Government of Bengal which also recognised the desirability of allotting a certain number of appointments to the Muslim community.

**Khan Bahadur W. M. Hussanally:** What I maintain, Sir, is this, that apart from the fact that the policy of the Government of India is laid down by the Home Department circular, the Honourable Member did not think, before the circular came out, of having a due representation of the various communities in all branches of the service. What I should further have liked to hear from the Honourable Member was whether any vacancies have occurred in the Calcutta Appraising Department since that circular was sent out. He has not said a word about that. All that he said was that he was not prepared to dismiss a number of non-Muslims from the service so as to get some Muslims into the service. That is not what we want. What we want is that as vacancies occur more Moslems should be taken into all branches of the Customs Department. Upon that point I have not heard a word yet from the Honourable Member—whether there have been any vacancies in any of the Customs services all over India ever since that circular went out. I would ask him now to state whether he knows that there have been any vacancies, permanent or acting, in the various branches of the Customs Department all over India, and whether any of those appointments have been bestowed upon any Mussalmans at all. If he does not know, I will tell him at any rate the position in Karachi. The Karachi Appraising Department does not contain a single Mussalman; and quite recently the Chief Appraiser of that office has retired; and I would ask him if his place in the lowest grade has been filled up by a Mussalman or not; they have had the circular of the Home Department to guide them. If not, has he drawn the attention of the Collector of Customs, Karachi, to give the lowest appointment in that vacancy to a Muslim?

**\*Maulvi Abul Kasem** (Bengal: Nominated Non-Official): Sir, like my Honourable friend from Bombay I also did not wish to intervene in this debate; but I am forced to do it on account of certain remarks of the Honourable Mr. Lloyd. In the course of his reply to Mr. Kabeer-ud-Din Ahmed, he said that qualified Mussalmans were not so easy to find as members of other communities. I say, Sir, he is quite right in that simply because no search is made for them by the Department over which he presides. There are a large number of qualified Muslims; and as my Honourable friend Mr. Ahmed has put it in his own peculiar language and style, the attention of the various officers of Government has been drawn to this question of the appointment of Muslims in the Customs Department. I may tell him that there is an office in Calcutta which keeps a register of qualified Muhammadan candidates for employment in the various branches of the public service. It is not a private office; it is not the office of an unqualified man; it is the office of the Assistant Director of Public Instruction for Muhammadan education. He has got a list. Has he ever been asked to supply candidates? My complaint is that you add insult to injury when you say that you cannot appoint Muslims for whom you profess to have every sympathy because you do not find them qualified. You give the dog a bad name and you hang it. That has been the policy

\*Speech not corrected by the Honourable Member.

[Maulvi Abul Kasem.]

not only in the Customs Department but the general policy of all administrative departments of the Government of India, and of the several other Governments. Sir, I do not for a moment wish that anybody should be dismissed to make room for some one else. I fully appreciate the sympathy expressed for my unfortunate community by the Honourable the Home Member and the circular he has issued; but what I want the different heads of departments of the administration to remember is that the circular should be acted upon in the spirit in which it was drafted and circulated and not only with a view to carry it out in the letter so as to avoid it as far as possible. It has been said that these questions will be considered in future recruitments. I think it is only just and proper that they should be considered properly and impartially. I think when you make future recruitments you ought also to consider the paucity of Muhammadans in the public service and you should give Muhammadans preference numerically and proportionately. With these words, although I do not agree with the whole speech of my Honourable friend Mr. Kabeer-ud-Din Ahmed, I fully agree with the sentiments expressed by him, and I believe that my opinion is shared by my community both inside the House as well as outside it.

**The Honourable Sir Basil Blackett:** Sir, I do not wish that this debate should develop on communal lines. Mr. Lloyd has already said quite definitely that the circular of the Home Department in regard to the appointment of Muslims in particular and of various other communities in the public service is being given full effect to in the Customs Department. There were on the 31st December 1924, 6 Muhammadan—if I may use that word—Appraisers; on the 31st December 1925, there were 8. On the 31st December 1924, there were 55 Muhammadan Preventive Officers

**Khan Bahadur W. M. Hussanally:** May I inquire what is the total number of Appraisers and how many are Muhammadans?

**Mr. K. Ahmed:** Not a single Muhammadan permanently appointed, Sir. The Honourable the Finance Member will regret making that statement . . . . .

**The Honourable Sir Basil Blackett:** On the 31st December 1925—it seems a long way from 1924 after these interruptions,—there were 60 as compared to 55. The clerks had increased in the same period from 106 to 118.

Now, this question was raised in particular in regard to Appraisers. We are accused of attempting to evade the circular, and my Honourable friend Maulvi Abul Kasem says that we do not go about making a search. Now, I think that my friend Maulvi Abul Kasem should remember that the circular of the Home Department implies some kind of acceptance on the part of Muslims of the spirit in which it was issued. The Muslims cannot be appointed to be Appraisers just because they are Muslims. They must be likely to make first class Appraisers. Now we have found in fact that Muslims do not come forward and ask for these appointments in great numbers . . . . .

**Mr. K. Ahmed:** I forwarded over 200 applications, Sir.

**The Honourable Sir Basil Blackett:** And when they do come forward, they are apt to be people who have not got the requisite qualifications . . .

**Mr. K. Ahmed:** They have got qualifications, as they are B. As. and M. As. You have also appointed undergraduates and men of inferior qualifications as Appraisers from other communities.

**The Honourable Sir Basil Blackett:** The Honourable Member is possibly not the best judge of the qualifications of the numerous people whom he sends forward. I have no doubt that the Honourable Member is a very good lawyer and a very good Member of the Assembly. But does he think that he has got the qualifications to take the job of an Appraiser to-morrow?

**Mr. K. Ahmed:** We can cross-examine, and even teach them if we were in the position of the Honourable Member.

**The Honourable Sir Basil Blackett:** I do not wish to expose myself to a cross-examination or even to an appraisal by an Honourable Member, but I would put it that we are doing our best, we are fulfilling both in the spirit and in the letter the circular of the Home Department. As Mr. Lloyd pointed out, it is largely starting, in the case of the Preventive Service, from nothing, and you cannot make changes in favour of Muhammadans by way of ejection of others. It must be done in the ordinary course . . .

**Mr. K. Ahmed:** Is it not a fact, Sir, that last year in appointing a dozen Appraisers you appointed two Anglo-Indian undergraduates, although there were many Muhammadan graduates as candidates?

**The Honourable Sir Basil Blackett:** The circular has been given effect to in spirit and in letter. We have no intention whatsoever of turning out a large number of other officers in order to make room for Muhammadans. We have no intention of appointing Muhammadans who are obviously unqualified. We are most anxious to find Muhammadans who are qualified and we shall greatly welcome the assistance of Mr. K. Ahmed and others in sending us recommendations of people who are really qualified and we shall gladly appoint them when they come forward. But we have no intention either of reserving all future appointments for Muhammadans . . .

**Mr. K. Ahmed:** We do not want you to do that.

**The Honourable Sir Basil Blackett:** And if we can get Anglo-Indian candidates who are good when there are vacancies, and we do not get Muhammadan candidates who are good at the time when there are vacancies, I do not think that even Mr. K. Ahmed can object to our appointing an Anglo-Indian or a member of any other community. I would ask the Honourable Member to realise that this is not a case for heat or for excitement. We are doing what we can and it is largely in the hands of Muhammadans themselves to help themselves. The opportunities are there and if the right men come forward for the right jobs, they will get them.

**Mr. Ahmad Ali Khan:** In view of the explanation given by the Honourable Member I ask for leave to withdraw my motion.

The motion was, by leave of the Assembly, withdrawn.

*Insufficient Number of Appraisers, especially at Karachi.*

**\*Mr. W. S. J. Willson:** Sir, I almost wish that it had fallen to my lot to speak before Honourable Members behind me as it is on the question of the Appraising staff that I wish to address you. Sir, my first point is that it is essential that a revenue producing department like the Customs should have a sufficient and efficient number of Customs Appraisers if Government are to reap the full benefit of the rates imposed. I think Government are in certain districts adopting the "penny wise and pound foolish" policy in respect of the cadre of Appraisers sanctioned. Especially is this the case at Karachi. Hence I have included Karachi in the amendment which I move, namely:

"That the Demand under the head 'Customs' be reduced by Rs. 5."

I do so, Sir, to call attention to this comparatively important matter. At Karachi the Chamber of Commerce has for several years impressed upon the Collector of Customs the need for strengthening the Appraising staff. It is found to be somewhat inadequate for the amount of work it has to do, and its numbers are found to be insufficient, with the result that it is believed that a considerable amount of goods are imported under false invoices and thus escape detection. I understand, Sir, that some objection to an increase of staff has been raised by Government on the ground that it is their desire so far as possible to promote from their present staff. Laudable as that rule is, I do think it may be carried somewhat to excess if a sufficient number are not put in as and when required, and I think that out of a generally expanding staff like the Customs it should be possible to appoint in Karachi the number that are now required and that they might then be drafted on to other customs houses requiring an implement to the staff. If it is the case, as my friend behind me asserted, that there are no Muhammadans in the present staff at Karachi, here is a most excellent opportunity to satisfy him and to satisfy me at the same time, and I hope the Honourable Member will see his way to give effect to it at an early date.

**Mr. A. H. Lloyd:** Sir, I can assure the Honourable Member who has put down this motion that he has the very warm sympathy of the Central Board of Revenue in his desire to secure that the appraising staff at all ports should be adequate to carry out their duties efficiently. We naturally are extremely anxious that this should be the case. Those Members of the House who have studied the Demands for Grants for the last year or two or who have been on the Standing Finance Committee will remember that we have had to ask the Assembly to approve of increases in the appraising establishments in all the ports during the last two years, and if we are satisfied that further increases are needed we shall undoubtedly not hesitate to come and ask for them. In the case of Karachi we have only during the last year put through the Standing Finance Committee a proposal for an increase of the appraising establishment, an increase in the numbers of six. I think that it would certainly be premature to undertake to say that that increase will be insufficient and time must be given to see whether the work can now be adequately dealt with by this enhanced staff. If experience shows that it cannot be so dealt with, I have not the slightest hesitation in saying that the Central Board of Revenue at least will ask the Government of India to approve of proposals for an increase.

**Khan Bahadur W. M. Hussanally:** May I inquire from the Honourable Member if any one of these new men is a Mussalman?

\*Speech not corrected by the Honourable Member.

**Mr. A. H. Lloyd:** I am afraid I am not able to answer that question. I do not recollect the details.

**Mr. W. S. J. Willson:** In view of the remarks which have fallen from the Honourable Member, I do not desire to press my amendment.

The amendment was, by leave of the Assembly, withdrawn.

*Anomalies in the Classification of Clothing for Tariff Duty.*

**Colonel J. D. Crawford** (Bengal: European): I beg to move:

"That the Demand under the head 'Customs' be reduced by Rs. 5."

My object in moving this small cut is to draw the attention of the authorities to the anomalies in the classification of certain clothing for tariff duty. I particularly allude to clothing which is composed of two materials and is classified at the higher rate of duty. Take for instance a cotton dress to which there might be a silk collar or a silk waist-band. The whole dress I understand will be classified as if it were a silk dress and I consider that it is a very unfair assessment. I understand that the authorities say that there is some difficulty in deciding what is and what is not a silk dress and that it is difficult for them to issue any orders. It seems to me that, if the customs authorities at the ports were given some discretion and were told that where the article was in the main silk it should be treated as silk and where silk was only used for the purpose of adorning the dress it should be allowed at the lesser duty, some arrangement could be made. I also wanted to draw the attention of the House to the question of gold thread. I understand that there is considerable difficulty with the customs authorities here over the import of gold thread. I understand that actually gold thread does not contain gold in its composition, but more often than not it is charged at the higher rate of duty or there is great difficulty in proving to the authorities that it is imitation gold thread. In questions of this sort I think the customs authorities might show us a certain amount of sympathy and do what they can to relieve us from the very high duties which we have to pay on a large proportion of our necessary articles of clothing.

**The Honourable Sir Charles Innes** (Member for Commerce and Railways): I am not quite sure whether the Honourable Member has not raised the question of tariff policy by this amendment, but what he has really attacked is section 21 of the Sea Customs Act. Under section 21 of that Act:

"goods whereof any article liable to duty under this Act forms a part or ingredient shall be chargeable with the full duty which would be payable on such goods if they were entirely composed of such article".

That is to say, if we get a cotton dress which has certain silk attachments, then we should charge that cotton dress at the rate of duty for silk. That is the law as it stands, but the Honourable Member was entirely incorrect in the instance which he gave. We have by orders issued in 1896 given discretion to our customs officers to apply the law leniently. The Honourable Member referred to a cotton dress with a silk collar or a silk waist-band and he said that that cotton dress will be assessed as a silk dress. That is not so. The particular instance that he gave us is covered by the orders we issued in 1896. We have authorised Collectors of Customs in these cases to ignore the silk and assess the whole dress as cotton. With regard to gold thread, where it is an imitation of gold or if the percentage



[Sir Charles Innes.]

of gold is negligible, we have authorised the Customs Collectors to ignore this section 21 and to assess the gold thread as imitation gold thread and not as real gold thread. I have only to add that the Sea Customs Act is now under examination by the Central Board of Revenue and that we have under our consideration this very section 21. The Honourable Member may rest assured that when we do revise the Act we shall take this particular point into consideration.

**Colonel J. D. Crawford:** In view of the statement made, I would like to withdraw my motion.

The motion was, by leave of the Assembly, withdrawn.

*Excess recoveries from merchants and short payment to officials of the Department.*

**Khan Bahadur W. M. Hussanally:** I move:

"That the provision under the sub-head 'II-A. A. 3.—Overtime and Holiday Allowances' be reduced by Rs. 100."

As far as I recollect this question has cropped up many times before and we have always been told that the matter is being considered. If you turn to page 5 you will find that under "Grants-in-aid, Contributions and Donations", Rs. 70,840 have been provided for next year, but I do not know what that is, whether it relates to custom houses or something else. On pages 13 and 15, you will find that nothing is provided so far as Bombay is concerned for any donations or grants to be made to customs officers' clubs and things of that sort next year. I next draw the attention of Honourable Members to pages 22 and 23 of this Demands Blue-book. From those two pages I shall read a few figures. I shall confine myself to the budget estimate for 1926-27. What I find there is that in Madras overtime fees from merchants are to be recovered to the extent of Rs. 46,000 next year and penalty fees for working on Sundays and special holidays to the extent of Rs. 22,000. The total of these two recoveries would amount to Rs. 68,000. Then if you look on the expenditure side you find that Rs. 44,000 are to be paid out of the overtime fees collections to officers of the department and Rs. 38,000 out of penalty fees, making a total of Rs. 82,000. In other words an excess of Rs. 14,000 is to be paid to the employees of the Madras Customs Office out of the recoveries. The recoveries are Rs. 68,000 and the total amount payable is Rs. 82,000. In Bombay on the other hand, recoveries for overtime amount to Rs. 2,40,000, receipts from penalty fees amount to Rs. 1,20,000; total Rs. 3,60,000; and so far as expenditure is concerned the amount payable out of overtime fees comes to Rs. 2,00,000 and out of penalty fees to Rs. 70,000 so that the total payable is Rs. 2,70,000; in other words, Rs. 90,000 short of the recoveries. Under Karachi Rs. 60,000 are to be recovered as overtime fees and Rs. 25,500 for penalty fees: a total of Rs. 85,000. The amount payable out of overtime fees is Rs. 30,000 and out of penalty fees Rs. 51,480—I do not know how that odd figure of Rs. 480 is arrived at—the total amount payable being Rs. 81,480; in other words Rs. 3,520 short of the receipts. Under Calcutta Rs. 2,45,000 are to be recovered as overtime fees and Rs. 1,30,000 as penalty fees: total Rs. 3,75,000. The payments are Rs. 2,20,000 out of overtime fees and Rs. 88,440 out of penalty fees: total Rs. 3,08,440; in other words, a short payment of Rs. 66,560. Coming



to Chittagong, which is a very small Customs Office, the receipts from overtime fees are Rs. 14,000 and from penalty fees Rs. 4,500, a total of Rs. 18,500. The payments are Rs. 13,000 for overtime and Rs. 3,792 for penalty fees, a total of Rs. 16,792; in other words a short payment of Rs. 1,708. Coming to Burma, which is a more important Customs Office, the recoveries for overtime are Rs. 1,55,000 and for penalty fees Rs. 1,15,000, a total of Rs. 2,70,000. The payments are Rs. 1,35,000 out of overtime fees and Rs. 30,000 out of penalty fees, a total of Rs. 1,65,000; in other words a short payment of Rs. 1,05,000. I find, Sir, that the total recoveries in all these customs houses amounts to Rs. 11,76,500 and the total payments amount to Rs. 9,23,712; and if we deduct the Rs. 14,000 excess payable to Madras from the total less payments (Rs. 2,66,788), the net of the short payments to all the Customs Houses is Rs. 2,52,788. The excess to Madras requires some explanation. Why should Madras be paid more than what it recovers? Then, Sir, we come to a figure on page 23 for "Payments to seamen's and Customs welfare institutions out of penalty fees". That has been put down at Rs. 1,50,068 and it has to be distributed between various ports by the Central Board of Revenue according to their own sweet will. No details of this amount are shown. Now if we take this amount into consideration and add this figure to the total payments to the customs officers we find that the net sum of money appropriated by Government out of these recoveries after all these deductions, including this item of Rs. 1,50,068, are made, amounts to Rs. 1,02,720. Now I want an explanation in the first instance, as I have said, as to why Madras should be paid more than what it recovers.

In the second place, Sir, I want an explanation as to why any amount is to be paid for welfare institutions for seamen. What have the Customs Department to do with seamen? The seamen may either be the employees of the Royal Indian Marine or the Mercantile Marine, and it is for the employers of those seamen, the Royal Indian Marine or the Mercantile Marine people, to provide for welfare institutions for their employees. I can understand, Sir, the Customs Department paying for clubs intended for customs employees. I personally am very much in favour of that, but I know last year or the year before some objection was taken to contributions being made from these funds to those institutions, and it is probably therefore that no contributions to those institutions have been provided in the budget figures of the current year. But even supposing some contribution must be made by the Central Government revenues out of the amount of Rs. 1,50,000 just mentioned—because I see that customs welfare institutions have also been mentioned—we ought to have details as to how much is subscribed to each (seamen's and customs institutions) and for what purposes. I do not think it is right for this House to leave this large amount of money, Rs. 1,50,000 odd, to be distributed by the Central Board of Revenue for such a purpose. I would say further that the large amount of money, whether as overtime fees or otherwise, it must be remembered, is levied from merchants for customs employees working on Sundays and closed holidays for which they have to be paid extra overtime fees, and as I understand from the Blue-book, these customs officials are also paid some extra allowance as Crown overtime fees. These Crown overtime fees are however included in the items of expenditure from recoveries from merchants. If the Crown is to pay

[Khan Bahadur W. M. Hussanally.]

overtime to their servants, the amount must come from the customs revenues direct. I do not understand why the merchants should be mulcted in the amount of money payable by the Crown as overtime fees. But still these officials are deprived of the money which is legitimately due to them and recovered for them from the merchants as I have shown above, and the State pockets a large amount of money, Rs. 1,02,720 net to which I see the Crown has no claim whatever, because this money is recovered from merchants for having extra work done for them by customs officials beyond their office time. Therefore, I maintain that of the money recovered from merchants, whether as overtime or otherwise, a portion may be paid to institutions intended for their welfare, and the rest must go to them. Surely they should not be deprived of their legitimate dues, nor have the Government any right to appropriate a farthing out of this money for their own purposes. With this object, Sir, I move my amendment.

**Mr. A. H. Lloyd:** Sir, the Honourable Member's speech invites from me a reply which I am afraid would be a good deal more lengthy than the House will have the patience to listen to. I think I must try to deal with him exceedingly briefly. The first point I wish to bring out is that the penalty fees levied for work on Sundays and special holidays are not, as he says, levied from merchants "for the customs employees". Any customs officer employed on Sunday or a special holiday is entitled to an individual fee at the standard rate for himself. In addition to that a ship which wants to work on a Sunday or other holiday has to pay penalty fee, whether a customs officer is employed on that ship or not. This penalty fee is designed as a deterrent to Sunday work, to discourage ships from working on Sundays or on special holidays, and therefore it is not recovered for the sake of the customs employees. The question then arises as to how those fees are to be disposed of. When we took over charge, we found the practice in Bombay and Karachi had been to credit the whole proceeds to Government. In the case of ports on the other side of India we found that the practice had been to distribute the whole proceeds to various customs employees or institutions connected with seamen or with customs employees. As I have already explained, this penalty fee is levied as a deterrent to Sunday work; and seamen are adversely affected by work on Sundays as are customs officers. When the whole thing was revised, the matter was put before the Standing Finance Committee and they agreed to the suggestion that we should take out of the penalty fees the amount that is to be paid for what is called Crown overtime and distribute only the balance, this distribution to be done throughout India. The expression Crown overtime fees has nothing whatever to do with Sunday penalty fees. Crown overtime is paid for work done not on the requisition of merchants, but on behalf of Government, in such circumstances that no merchant can be asked to pay for it, as for instance, if an officer is kept on patrol duty beyond a certain time. No merchant can be asked to pay for patrol duty. Similarly, we give free service to all ships from 6 A.M. to 6 P.M. If an officer employed during that period has to work overtime, he gets a fee; but this has nothing whatever to do with Sunday or special holiday work. The connection is entirely artificial. That is a sufficient answer to the question why Madras, which gets relatively very little in the way of penalty fees, has to pay more for Crown overtime. The two things have nothing to do

with each other. As regards the excess of 1 lakh in merchants' overtime, that is an excess to which the Government are fully entitled—to which the tax-payer is fully entitled, because we charge merchants' overtime not only for work to which we appoint officers to work outside the regular working hours, but merchants have to pay overtime or similar fees for work done in the ordinary working time of officers. In that connection I would particularly mention the levy of the fees, not correctly described as overtime fees, for service done during working hours in a private bonded warehouse. It will be quite clear that the merchant should pay a fee for that service. It is also perfectly clear that the fee should go to the Government and not to the individual officer, who is being paid a salary for the work which he does in that connection. I think, Sir, the House will not probably expect me to go into the circumstances in more detail.

**Khan Bahadur W. M. Hussanally:** Sir, I want to say . . . .

**Mr. President:** The Honourable Member has no right of reply. Does he wish to withdraw his motion?

**Khan Bahadur W. M. Hussanally:** I want to say a few words before I withdraw my motion.

**Mr. President:** Does the Honourable Member ask for leave to withdraw?

**Khan Bahadur W. M. Hussanally:** I content myself with saying that I am not satisfied, and I withdraw the motion.

The motion was, by leave of the Assembly, withdrawn.

**Mr. President:** The question is:

"That a sum not exceeding Rs. 71,84,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1927, in respect of 'Customs'."

The motion was adopted.

The Assembly then adjourned for Lunch till a Quarter to Three of the Clock.

The Assembly re-assembled after Lunch at a Quarter to Three of the Clock, Mr. President in the Chair.

**Mr. President:** I have noticed often that when the Chair comes in there is no quorum. It is therefore necessary to remind Honourable Members that there is no rule which requires the Chair to wait till the quorum is made up and it is open to the Chair to adjourn the House if it finds, on a count being taken, that there is no quorum. I thank the Finance Member for reminding me that the practice is to wait for three minutes. But the Members will take note that the Chair is not bound to wait on every occasion.

**The Honourable Sir Basil Blackett:** Sir, I venture to thank you for the action you have taken.

## DEMAND NO. 17.—TAXES ON INCOME.

**The Honourable Sir Basil Blackett:** Sir, I beg to move:

"That a sum not exceeding Rs. 63,64,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1927, in respect of 'Taxes on Income'."

*Continued levy of the super-tax, which was imposed as a war measure.*

**Raja Raghunandan Prasad Singh** (Bihar and Orissa: Landholders): Sir, I move:

"That the Demand under the head 'Taxes on Income' be reduced by Rs. 1,000."

I wish to draw the attention of the Government to the continued levy of super-tax and to the enhanced rate. Although this enhanced rate was in existence at a time when there was a deficit in the Budget—thanks to the statesmanship of the Finance Member we are now having a surplus Budget—still this double taxation on the so-called rich is permitted.

I think the so-called rich are not in a better position than the middle class and the poor; they are more or less doubly taxed, directly and indirectly, and I appeal to the Government to consider their case and if possible reduce the enhanced tax.

**Mr. A. H. Lloyd:** I have noticed that the Honourable Member who moved this cut has given notice of an amendment to the Finance Bill to omit the rates of super-tax proposed in the Schedule to that Bill. I think that is a better place in which to bring forward his point than the present. This motion is by way of a censure upon the administration, and they can hardly be censured for carrying out the law as it stands. It is for the Legislature to alter the law and an indirect opportunity for securing that end will offer itself when the Finance Bill comes forward. To that I have only to add, Sir, that the Honourable Member describes in his notice super-tax as having been imposed as a war measure. It was explicitly stated by the late Sir William Meyer, both in the debate on the Super-tax Bill of 1916 and in his Budget of 1916-17, that the super-tax was not intended as a temporary financial expedient. I venture to think the Honourable Member should confine anything he has to say on this point to the time when the Finance Bill is before the House.

**The Honourable Sir Basil Blackett:** May I raise a point in that connection? I understand in the House of Commons the rule is that a matter cannot be raised on an estimate which involves a change of legislation. It would seem to me to be worth considering whether that rule might not be applied, with such modifications if any as are necessary, here, because we should not then be faced with this difficulty. We can hardly, as Mr. Lloyd points out, be censured for collecting income-tax in accordance with the law.

**Mr. President:** I have considerable sympathy with the Honourable Member, but the practice so far followed has been to allow motions of that character and I propose to follow that practice. Does the Honourable Member wish to press his motion to a division?

**Raja Raghunandan Prasad Singh:** I beg leave to withdraw.

The motion was, by leave of the Assembly, withdrawn.

*Grievances of the Assessee.*

**Sardar V. N. Mutalik:** Sir, I was wondering whether I should move this motion in view of the objection raised by the Honourable the Finance Member, because most of the points which may be raised during the debate on this motion will probably be in connection with the law as it stands or with its administration. Sir, I move the motion standing in my name, namely:

“ That the Demand under the head ‘ Taxes on Income ’ be reduced by Rs. 1,000.”

My first point is in regard to the right of appeal. This involves some modification of the law as it stands. The right of appeal, Sir, at present is not full and absolute. It is a limited right of appeal. My submission, Sir, to this House is that the right of appeal should be unconditional and absolute and should not be denied to any assessee for any reason whatever.

The next point I want to raise is about the small traders, traders who are not big traders in the sense of being exporters or importers, but traders who live in small places and keep their accounts in a manner which may not satisfy the Income-tax Officer, but who have their own way of keeping accounts. Sometimes it happens that these accounts are not at all believed and the small traders are charged at a flat rate on their sales. It is presumed that every sale which a trader has to his credit will bring him some little profit. It is, Sir, the custom of the small traders to sell some articles without any profit. For example, a man keeping a groceries shop generally sells tea or sugar, particularly tea, without taking any profit; yet it is presumed that if a man sells Rs. 100 worth of tea he must be making a profit of Rs. 7 or Rs. 10 and he is charged on that amount. This generally causes losses to and inequitable assessment of these traders.

The next point, Sir, that I wish to bring to the notice of this House is about allowances and cash payments from treasuries. Orders are generally issued to charge these allowances from the treasuries at the highest rate. A man has to draw allowances from various treasuries and the amount from each individual treasury is small, and refunds in that case are not worth applying for, because it happens sometimes that the refunds are so small that a man does not like to press for those refunds and waste his time, energy, postage and everything. But the total amount of these refunds is very large; and it happens often that in spite of the fact that a man is taxed by the Income-tax Officer at a particular rate he is charged at the treasuries at a very high rate, not consistent with the rate at which he is charged by the Income-tax Officer. The Income-tax Officer only issues a certificate after the income-tax is collected from the treasuries. Then, if a man has to appeal or to ask for a refund from the treasuries he has to go first and get a certificate from the Income-tax Officer; then he has again to go to the treasuries which charged him income-tax. This causes a lot of bother, and sometimes the man does appeal against the orders of the Income-tax Officer. Sir, income-tax is also charged on house property. And even when the house falls vacant, income-tax is collected. If a man keeps a house for himself, income-tax is collected from him; but the interest which can be calculated

[Sardar V. N. Motalik.]

on the amount spent on houses is not taken into consideration. Again, Sir, depreciation charges, which are also charges on account of depreciation of house properties, are not considered at all, and there is no provision for this. I do not propose to touch the income-tax question of the companies, because there appears to be another motion about it. With these few grievances I move my motion.

**Mr. H. G. Cocke** (Bombay: European): Sir, I see the amendment of the Honourable Member who has just sat down deals with the question of the grievances of assesseees. Of course, the chief grievance of assesseees is that they have to pay taxes and, therefore, any grievance in connection with the payment of taxes would, I presume, come under this amendment. He referred, Sir, to the case of the small trader and indicated that certain traders carried on philanthropic businesses. I understood him to say that they sold tea without any profit. I was not quite clear whether they sold anything else at a profit, but I presume that that is so. In any case, his difficulty seemed to be that the small trader paid too much tax. My experience is that the small trader does not pay enough tax. That point was brought up a year ago in this House, and it was suggested that owing to the difficulty of small traders keeping accounts to present to the income-tax officers, it might be possible to have a trader's tax to take the place of assessment to income-tax. I do not know whether anything of that sort is possible. Probably it would be rather difficult. But I do sympathise with the small trader having to present accounts. As I mentioned the other day, he is assessed at a certain figure, and he pays tax. A year later, the Income-tax Officer considers that the trader is making more profit than he was previously assessed for. He tests this by putting up the assessment by 20 per cent. Then if he still pays the tax, well and good; the Income-tax Officer is tempted to go still higher and puts on another 20 per cent. until the time comes when the small trader in self-defence is practically bound to present accounts. I am not grumbling about that procedure, because it is the only procedure you can adopt in the case of the small trader who does not keep accounts; but, as I say, my main objection is that the small trader does not pay enough. I do not think that these summary assessments are pushed up quickly enough, and I am of opinion that if all small traders paid their fair share of taxation, it would probably be possible to reduce income-tax rates all round.

There is one other point that I should like to mention, and that is the lack of continuity in the rulings of Income-tax Officers. I constantly find that one puts in an appeal,—I do not mean a formal appeal, but a letter asking for a certain concession in assessment, and the matter is turned down. Perhaps, six months later that particular officer goes on leave, and one tries again and gets the concession through. I do not know what steps are taken by the Income-tax Office to try and aid continuity of administration. But I have known serious cases of lack of continuity, and if anything could be done by asking various Income-tax Officers to send up difficult points to headquarters, tabulating them and sending them round the country, it would possibly aid the administration to be more even.

**Mr. N. M. Dumasia**: Mr. President, nowhere in the world is the Income-tax Department ever popular. People may have supposed and even real

grievances, but these grievances are inseparable from a tax-gathering department. Sir, to-day, I want to refer to the grievances not of the assesseees, but of the officers of the Department. I find that the grades of pay of Income-tax Officers in the various provinces (*An Honourable Member*: "Is it in order?")—I am speaking on the original grant also—are the lowest in Bombay, Bengal and Bihar and Orissa. Under the Income-tax Act, the duties and responsibilities of the Income-tax Officers are the same everywhere. I do not know, therefore, how the Government justify the payment to the officers in these Provinces on a lower scale than to similar officers in other Provinces. I submit this is another instance of the step-motherly interest which the Central Government takes in our Bombay Presidency which, so far as the remission of the provincial contribution is concerned, has received the worst treatment. If the argument is put forward that the scale which obtains in the Bombay Presidency was proposed by the Provincial Governments, then I ask whether representations have been received from the Government of these Provinces and, if so, why those representations were overlooked in spite of the obvious unfair treatment meted out to a class of overworked and underpaid officers.

**Mr. A. H. Lloyd:** Will the Honourable Member kindly specify which class of officers he is speaking of?

**Mr. N. M. Dumasia:** I will come to that presently, Sir. If it is argued that the revenue scale was followed in Madras, I may point out that the pay for Deputy Collectors in the Bombay Presidency is as good as in Madras and therefore there is no reason why the scale for Income-tax Officers should be much lower than what obtains in the latter Presidency. If it is argued that the scales of pay are fixed according to local conditions, I would ask what are special local conditions which necessitate such differential treatment as obtains in other Provinces. As our Governor, Sir Leslie Wilson, recently pointed out, the cost of living in Bombay is admittedly higher, while the work of Income-tax Officers is certainly as arduous, if not more so, in Bombay where the varieties of the sources of income and complications of assessment, as also the amount of revenue are higher than in most of the Provinces which are given better emoluments.

My friend Mr. Lloyd asks which are the class of officers I am speaking of. I will tell him. Sir, in Madras the officers commence on a salary of Rs. 300 and by increments of Rs. 40 rise to Rs. 500 and then by increments of Rs. 50 rise to a maximum of Rs. 900 in 13 years, the position on 10 years' service being Rs. 750. In the Punjab they commence from Rs. 300 and rise to Rs. 850 in 14 years, getting Rs. 700 in 10 years. In the United Provinces, they commence from Rs. 350 and rise to Rs. 900 in 19 years, getting Rs. 650 in 10 years. In the Central Provinces they commence from Rs. 300 and rise to Rs. 900 in 20 years, getting Rs. 550 in 10 years. I now come to Bombay and Bengal. In Bombay, Sir, they start from a salary of Rs. 300 and in 10 years they reach Rs. 550 and a maximum salary of Rs. 900 in 24 years. You will see, Sir, that Bombay officers receive the worst treatment. In Bombay the affairs are very complicated. The work of assessment is most arduous and most responsible and I appeal to the Government to take into consideration the hardship that is involved on the Income-tax Officers in Bombay.

[Mr. N. M. Dumasia.]

Sir, it may be said that the re-opening of the question will involve a reconsideration of the scales of pay throughout India and consequent extra expenditure, but I submit that this is the inevitable consequence of the partiality of the Government, who ought to have considered this contingency when they sanctioned the various scales. Having once taken the step of sanctioning differential scales they cannot in fairness shirk its consequences now whatever the cost. Sir, I plead on behalf of a most deserving class of men. In Bombay, in spite of many difficulties, the Income-tax Department, under its popular chief, has worked with the least friction and in such a good manner that the most unpopular Department has given the greatest satisfaction to the assesses. As I have said, there are real as well as imaginary grievances against this Department, but on the whole it has worked in a satisfactory manner and I desire that those who are trying to popularise this most unpopular Department should be fairly treated and given their due.

**\*Mr. S. Sadiq Hasan** (East Central Punjab: Muhammadan): I strongly support my Honourable friend Mr. Mutalik. I would like to say that the grievances of the Punjabis as regards the Income-tax Department are innumerable. I have got no grievance against the present officers in my district, they are honest and decent people; but I know certain Income-tax Officers in the Punjab who act more like spiders than Government officials and it is only fair that the Government should know what a bad impression they are creating against the Government. Sir, you would be surprised to know that there are instances where such officials have assessed even bankrupts and made them pay during the year when they lost their fortunes. Their treatment of respectable gentlemen is most humiliating and degrading and the people are more afraid of them than of the police. I believe in taxation and personally I would not mind if unearned increments are heavily taxed and rich people have to pay more taxes, but there should be justice and the people should not be sacrificed to official prestige. The tax-payers of Amritsar once placed their grievances before Mr. Gaskell, but he turned a deaf ear I suppose as usual. On the other hand I must say when Mr. Tottenham came he was quite sympathetic. The object of the Government should be to realise taxation but not to allow their taxation officers to become petty tyrants. For that reason Government must keep an eye on them and consider the grievances of the public sympathetically. Another great grievance of the tax-payers is that the officers of the same Department hear appeals from orders of assessment which is very unfair and against the ethics of justice. As a rule we find such officers biased and it is only on rare occasions that they accept an appeal because they have to keep up the prestige of their Department and also to show to the Government the work of their Department. People will have no confidence unless this grievance is removed and the appeal lies to the judiciary.

**Mr. K. Rama Aiyangar**: I will dispose of my motion No. 19† on the paper under this because it practically covers the same ground. The object of the motion that I have brought forward is to discuss the methods of levy. Of course, my Honourable friend Mr. Sadiq Hasan has referred to it, though my Honourable friend Mr. Cocke rather tried to treat it

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\*Speech not corrected by the Honourable Member.

† "That the Demand under the head 'Taxes on Income' be reduced by Rs. 100."



the other way. I wish to place before the House the circumstances that arise in one case. It appears that recently the Department has been trying to get as many people as possible into the income-tax fold. That is a correct idea of the Department, if done properly, because when the Department is organised on a large scale it has got to do its duty as best it can. But what I want to place before the Government is that it would not serve any purpose except to create great dissatisfaction in the country if the idea is to bring in people who are far, far away from the fold. The consequent trouble that it causes us is so immense that the Department should think many times before reaching such people. There was during the last few months a meeting in Madura complaining of the troubles caused by the methods of levy and collection of this taxation. Before I started for Delhi some of the leading merchants of the place came to me and asked me to preside at a meeting to express all their grievances. It so happened that I had very few days left and I told them that if they could formulate all their grievances in the course of a few days I would preside on that occasion. But the number of days that I had before me was very small and the merchants had to meet later and it was not probably possible for them to bring the full list to me before I started. But subsequently within about ten days of my coming, about the end of January, I saw that a big public meeting had been held in Madura and the whole facts were brought out there. Because these merchants told me before I left I met the Commissioner of Income-tax in Madras while I was coming to Delhi and placed all the facts before him. He promised to investigate them and do the needful. But the facts must be mentioned clearly on the floor of this House. My friend Mr. Cocke said that it is the smaller trader who avoids payment or has not been properly paying and that he should be harassed till he maintains accounts showing the income and expenditure. That is apparently the kind of suggestion that will be made by one of the chartered accountants that we have, but certainly they are not the people who will be able to pay chartered accountants or clerks for maintaining accounts. The class of people I refer to are those that take yarn and gold thread and things like that from the big merchants. What was done in this case was that many hundreds of people were given notice to come forward with their accounts on particular days and prove to the satisfaction of the income-tax officials that they had no income. Sardar Mutalik's statement almost agrees with this grievance. These are petty people who every day take from the merchants their yarn and gold thread, bring it to the market and get one rupee or two rupees for work done by them and the ladies of the house, by weaving, dyeing and that sort of work. They give the product of their labour to the person who advances these things. Such persons were given notice in large numbers and asked to state what their incomes were. As I said, the Department is entitled to catch hold of persons who ought to pay but the wholesale issue of notices to hundreds of persons asking them to produce their accounts is nothing but harassment. They could not produce any accounts which they keep, if at all, only with their bankers or traders who give them the yarn and other things. They practically get little or nothing. They get the day's wages. It will be impossible for people to sleep in peace if they are to be brought before the Income-tax Officer with a vakil or some petition writer who will explain matters to that officer, and between these he will lose the earnings of a number of days. Such cases, I submit, will only create great dissatisfaction in the country. I placed these views before the

[Mr. K. Rama Aiyangar.]

Income-tax Commissioner and he said he would look into the matter. I do not mean to charge the Department with neglect. I remember last year Lala Duni Chand in one of his speeches was referring to various actions of that kind. I was then not in possession of facts as to what was being done. It happened in other provinces. But this case that I have come across is a case in which the people that came to me were respectable people who knew the status of almost all the persons who were served with notices. If the increase of income-tax staff only means this kind of trouble it is better that we should considerably curtail the expenditure on the Income-tax Department rather than allow them to send a lot of notices calling on people to explain whether they are liable to income-tax or not. I dare say my friend Mr. Cocke will join with me, though he did put forward a few cases of that kind where it happened that people went untaxed to some extent. Of course the Taxation Inquiry Committee has also gone into it and they have made suggestions for catching the people concerned. This is in the case of persons with more than Rs. 2,000 income. The cases I refer to only cause great dissatisfaction and create grievances. Under these circumstances I submit that instructions should be issued by the Department clearly that nobody should be brought into the clutches of the income-tax assessor and his life made unhappy unless there is good reason and that dissatisfaction should not be allowed to grow in the country. It is in that connection that I place the motion before the House.

**Khan Bahadur W. M. Hussanally:** Sir, I see my friend Mr. Tottenham sitting in the gallery. (*Several Honourable Members:* "Order, order.") He is concerned more with this Department than Mr. Lloyd. I do not know why Government have not followed the usual practice of getting some official Member to resign while this demand is before the House and getting Mr. Tottenham to do the work of replying to the criticisms offered by Members. Sir, the Income-tax Department is perhaps the most unpopular Department of all the Government Departments. I suppose there is no denying that fact, because we Indians all over dislike and disapprove of all types of direct taxation. Therefore, it is no wonder if grievances, both real and imaginary, are brought forward and it is for Mr. Tottenham and Mr. Lloyd, forming the Board as they do, to separate the real from the imaginary grievances. So far as my province is concerned, and as far as I am aware (although I am not a merchant), fortunately the work of the Income-tax Department there is going on very smoothly and the officers of the Department as well as the Assistant Commissioner that we have are, to my knowledge, all very popular. Therefore, Sir, so far as the grievances of assesseees are concerned, I have none to bring forward before this House to-day. But I find my friend Mr. Kabeerud-Din Ahmed is not here. In the forenoon he raised a very important question about the employment of Muslims in the Customs Department; and I have been desired to put forward before the House a reply which the Income-tax Department gave to my friend Mr. Makan some time ago in connection with the number of Muslim employees in the Income-tax Department in the Bombay Presidency. Here is the reply:

"As promised in reply to your question No. 697 asked in the Legislative Assembly of the 7th September, 1925. I am directed to say that out of the 43 gazetted and 432 non-gazetted posts in the Bombay Income-tax Department, 5 gazetted and 30 non-gazetted posts are held by Muslims."

I draw the attention of the House, Sir, to this particular fact. Out of 43 gazetted posts in the Department in the Bombay Presidency there are only 5 gazetted officers who are Muslims, and I believe the majority of them if not all of them are perhaps posted in Sind. Out of 432 non-gazetted posts there are only 30 men who are Muslims. ●

**Bardar V. N. Mutalik:** On a point of order, Sir, is this a grievance of the assessees?

**Mr. President:** Mr. Hussanally.

**Khan Bahadur W. M. Hussanally:** I should like to hear what my Honourable friend, Mr. Lloyd, has to say to this. Perhaps he will plead that the circular of the Home Department in this case also has come very late and he has not had time to employ more Muslims, or that he cannot get any Muslims, or that there is no vacancy, or that he cannot turn out the existing employees. Sir, I do not want, as I said in the morning, any non-Muslim to be turned out, but, as vacancies occur, I hope the Department will bear in mind that they owe a duty to my community as much as to any other, and if they go about the business in the right way and proper spirit, I am perfectly certain they will do justice to our community.

**Dr. K. G. Lohokare:** May I ask the Chair if my amendment\* No. 23 is covered by this particular amendment?

**Mr. President:** If the Honourable Member thinks that it is covered by this particular amendment, the Chair has no objection.

**Dr. K. G. Lohokare:** Sir, I place before the House the question of the need of appeals to judicial authorities in certain cases of penalties under the Indian Income-Tax Act. There are two classes of cases in which certain provisions for appeals to a non-departmental authority are necessary. The first is the class of cases involving questions of fact. Cases under certain sections fall under this class; while the other class involves questions of law. In the class of cases covering questions of fact the appeal lies more to the departmental officers. The Department takes up a case for hearing an appeal with which it itself is concerned. Human nature being what it is, some consideration ought to be shown to the tendency of the higher officer to look to the work of the subordinate officers with some sympathy—and here lies the mainstay of the need of an appeal to a third party. Whether the third party should be a judicial court or a separately constituted authority might be a matter of divergence of opinion. However, the very fact that an appeal lies to the superior departmental officers is a matter which is to be strongly objected to. Under section 28 under the points to be noted as points of fact, the Income-tax Officer has authority to impose a penalty on the assessee equal to the amount of the tax. In such cases especially, sometimes it does become a very painful affair, a very troublesome affair to the assessees, if they are hauled up before departmental superior officers especially when certain misgivings can prevail regarding the conduct of the assessee towards the Income-tax Officers. It does happen sometimes that misunderstandings between the officer and the assessee arise and the decision is coloured by the conditions prevailing in particular cases. A couple of years ago I heard that in the Sholapur District there were a couple of such cases and under the power of compounding cases the superior

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\*That the Demand under the head "Taxes on Income" be reduced by Rs. 100.

[Dr. K. G. Lohokare.]

officer, in spite of the desire of the assessee to go to a judicial court, compounded them and the gentlemen had to pay whatever penalty was imposed. There are such occasions when the need of a judicial appeal is really felt. Secondly, Sir, on matters of fact too section 46 covers so many questions that it is particularly doubtful whether sufficient justice is done to the assessee under these circumstances. The Taxation Inquiry Committee say that they have inquired into the whole thing and find that there is a body of opinion still against the proposal on the ground that a business man does not like the disclosure of his affairs. It is a known fact in India at least that many people do not come forward to appear before these Committees. It is the small tax-payer much more who does not think of appearing as a witness before these Committees and consequently it is the larger tax-payer, rather the companies and big merchants, who appear before the Committees or manage to produce evidence before these Committees. Consequently their opinion is not the opinion of the smaller tax-payer. The inference that is drawn here is, therefore, I beg to submit, not conclusive. It is the desire of many petty merchants that they should have an independent authority before whom they can appear as to matters of fact. Sir, as regards the appeal on law points, the Taxation Inquiry Committee themselves have admitted that there ought to be certain provisions under the present circumstance. Out of the ruling of the High Courts sometimes such results come out as show that differing judgments have been given by different High Courts on important questions, and there are no means available, short of legislation, of securing a final settlement of the question in issue. The Committee therefore have suggested that provision should be made for an appeal to the Privy Council in such cases. In both the classes of cases, Sir, in cases of fact and in cases involving law points, some provision therefore is needed by which appeals under sections 28, 46 and 51 should lie either to an impartial tribunal or to some judicial authority. What that judicial authority may be for the mufassil it is for the Department to settle. The assessee has no objection to these powers being vested either in the first class Sub-Judges or in the District Judges. Whatever sort of provision is made would be welcome. But it is clear that some provision for hearing appeals by impartial tribunals ought to be made. This is the request to which the attention of the Department was drawn by me some time ago; and in one of my questions I had asked what the amount of penalty in several provinces was. I beg to point out here to the House, with all due deference to advocates of communal claims, that in the Punjab we find the proportion of recoveries from penalties excessively high as compared with other provinces. What it means I leave it to the House to infer. I do not want to say much about it. It was, in fact, more the business of my Honourable friend Lala Duni Chand who had interested himself in the question by bringing out many facts here. The point that I wish to bring to the notice of the Department, however, is that the percentage here as compared with the other provinces is inordinately high and it means that judicial appeals in such cases should have brought forth things which would have gone a great way towards improving the administration of the Department itself and would have been of great help both to the Department as well as to the assessee. With these words, Sir, I support the amendment moved.

**Mr. A. H. Lloyd:** Sir, perhaps the most interesting point raised in this discussion was the one that Sardar V. N. Mutalik put in the forefront

of his speech and which has to a large extent also been dealt with by Dr. Lohokare. Sir, I shall abide by your ruling that matters of this nature can be discussed in a debate of this character. I venture to think, however, that it is not desirable for me to go into the subject at great length. The law is contained in an Act that was passed by the last Assembly. Certain means of redress are provided by that law and we have yet to be convinced that those provisions are not being worked satisfactorily. There is every reason, indeed, from certain figures that we have before us, to suppose that Assistant Commissioners of Income-tax are disposing of appeals which come before them in an impartial manner. In the year which has just closed, namely, 1924-25, there were 21,791 appeals to Assistant Commissioners of Income-tax and of these 9,137 were successful. Now, as regards the possibility of having some outside authority such as a Board of General and Special Commissioners, I do not think it is incumbent upon me to add to what is said in paragraph 245 of the Report of the Indian Taxation Inquiry Committee. As regards appeals on questions of fact to a civil court, I venture to suggest that the House should be very careful before proposing a change of this sort. We believe that the Assistant Commissioners of Income-tax are not open to the charge which has been brought against them that they allow their official status to colour their decisions in the appeals which come before them. If the appeals were allowed to be made to civil courts, it would cause extreme inconvenience to the appellants themselves. In that case they would be deprived of the advantage of having their appeals heard at or near their places of residence by officers who are on tour and they would have to engage pleaders. I dare say the engagement of pleaders is regarded as no drawback by some Members of this Assembly but I think it will be regarded as a drawback by many income-tax assesseees. At present they can be represented by any person, whether he is a pleader or not, before the Assistant Commissioner or Commissioner, if such person is duly authorized. Then they would be put to considerable inconvenience by the fact that courts are already in many parts of India congested and overburdened with work, and there would undoubtedly be great delay and numerous adjournments in settling matters of this sort. Moreover, it would be a very unusual device if civil courts inquiring into matters of this sort were obliged to sit in camera, and if they did not so sit, then I think the assesseees would undoubtedly object strongly to having the whole of their affairs produced before the public in open court.

Then we had a considerable amount of discussion on the assessment of small traders. I would like in passing to refer to what Mr. Rama Aiyangar said. He quoted what was by way of being a specific instance of injudicious action on the part of an Income-tax Officer in calling upon people to submit returns when they had good reason to believe that they were not liable to tax. I hope and believe that cases of that sort are infrequent, and I think Mr. Rama Aiyangar was quite right in deciding that the proper place in which allegations of that sort should be brought up would be the office of the Commissioner of Income-tax, who is in a position to correct his officers, if such correction is necessary; I have not the slightest ground for saying that in the particular case anything wrong did occur.

What I wish to say on this point is that so long as we have this great difficulty in obtaining proper accounts from those persons who are apparently liable to taxation, we must exercise the powers which the law gives

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us to assess these persons on an estimate. In the year 1924-25 more than 50,000 people who were called upon to produce accounts failed to do so. The tax must be collected somehow, and I venture to suggest that the House should not censure the Department for exercising the powers which the law gives it to obtain the tax from those who are unwilling to co-operate fully. It is obviously fair that if a person who has been called upon to submit a return refuses to do so, or produces no accounts, he should be deprived of the right of appearing at a later stage and producing the accounts which he had previously concealed, if he had such accounts.

I was not able to follow Sardar Mutalik's third point in regard to allowances from treasuries. Am I correct in supposing that he was referring to interest on securities?

**Sardar V. N. Mutalik:** No. May I explain? The allowances which a man is entitled to draw from treasuries for some certain specific grant or contract.

**Mr. A. H. Lloyd:** I am not familiar with the kind of allowances in question. Possibly such things as pensions . . . . .

**Sardar V. N. Mutalik:** May I give you an explanation? We have got several "haks", as they call them, in lieu of which Government actually pay us, by way of commutation of the rights and privileges which we enjoyed, annually from the treasury.

**Mr. A. H. Lloyd:** I do not think I can very profitably go into this point, but if the matter is brought before us, I am prepared to take up this question and see whether we cannot do anything in this case on the lines of what we do in the case of interest on securities; that is to say abstain from assessing on the maximum flat rate if the total income is of such stability from year to year that it is possible for the Income-tax Officer to give a certificate for production in the treasuries in question. I cannot, without full information, say more, but we will certainly examine that possibility. As the House well knows, in the case of persons with small incomes entirely derived from interest on securities such certificates are as a matter of routine granted on application, and that prevents the deduction at source of tax at a higher rate than the proper tax for the person.

As regards depreciation of house property, the Honourable Member has perhaps overlooked the fact that the Department does allow deductions from income on account of repairs . . . . .

**Sardar V. N. Mutalik:** It is only for repairs.

**Mr. A. H. Lloyd:** The Honourable Member cannot have it both ways. If he is allowed a deduction on account of repairs, I do not see how he can ask for deduction on account of depreciation also.

**Sardar V. N. Mutalik:** Repairs are altogether different from depreciation.

**Mr. A. H. Lloyd:** I think, Sir, Mr. Sadiq Hasan allowed himself to go a little too far in his description of the operations of the Income-tax Department in the Punjab, talking about the utterly degrading treatment to which they submitted respectable people. It is perhaps sufficient for me, in addition to what I said last year in reply to Lala Duni Chand, to observe that my colleague, when on tour in Amritsar, was informed that, generally speaking, the mercantile public had no complaints to make against the operations of the Department in that town.

Then we come to a quite different matter raised by Mr. Dumasia and Mr. Hussanally, the question of the staff. As regards Mr. Dumasia's point, it is difficult for me to say more than that, firstly, as he himself observed, the scales of pay were largely arranged in consideration of the scales of pay in the different provinces of officers of more or less corresponding status, and, secondly, that Mr. Dumasia has failed to mention the fact that in Bombay City there is a senior post of Income-tax Officer on Rs. 1,000 rising to Rs. 1,500, which, if taken with the other appointments, does make the position of the whole cadre of Income-tax Officers in Bombay better than it would appear from the figures which Mr. Dumasia himself gave. As regards the point raised by Mr. Hussanally, I do not think I can usefully say more than to undertake that we will forward to Commissioners a mention of this point.

Finally, Sir, Mr. Cocke spoke about lack of continuity and suggested that the Central Board of Revenue should do all in its power by issuing circulars and otherwise to secure uniformity of practice among different officers in different parts of India and in the case of one officer succeeding another. Well, Sir, it is our great ambition to secure as much uniformity in the interpretation of law throughout India as is possible and the Department does as a matter of fact issue something like a hundred circulars a year to the subordinate staff. Also every year a conference of Commissioners of Income-tax is held and a very heavy agenda is got through, and my colleague who is more closely concerned with Income-tax administration than myself constantly takes extensive tours throughout the country, and one of his regular cares is to satisfy himself that all the officers are working on similar and right lines. I think, Sir, that we are doing all that it is possible to do in this direction.

**Sardar V. N. Mutalik:** I beg leave to withdraw the motion.

The amendment was, by leave of the Assembly, withdrawn.

*Reduction in expenditure by combining it with expenditure under "Opium".*

**Mr. K. Rama Aiyangar:** Sir, I beg to move:

"That the Demand under the head 'Taxes on Income' be reduced by Rs. 100."

I have to revert to the same subject, but this is on other grounds. The Honourable Sir Basil Blackett told us that they have carefully been examining the question of reduction of expenditure by combining the Departments. I must confess, Sir, that when I withdrew the motion I was not convinced that the work had been done properly. I do not think there is any officer getting more than Rs. 1,000 to Rs. 3,000 or Rs. 2,500 who is willing to say that his work is unnecessary or can be managed by combination or amalgamation. If the Honourable Mr. Tottenham and his colleagues went and sat amidst these Collectors of Customs and the Commissioners of



[Mr. K. Rama Aiyangar.]

Salt and other officers of the Opium Department and asked them if arrangements could be made to relieve some of them of their duties so that those duties might be taken up by some departmental chief ministerial officer or chief executive officer to be put under one of these Collectors, I do not think he would ever have a reply favourable to the suggestion that I am making. Nor would it be very difficult for them to make out a case that there is work for them from morning till evening. We know, Sir, that as a matter of fact there is a good deal of difference between the work done in the lower offices and the work done in the higher offices. We know also that a few officers are very heavily worked and the majority of the staff has, I think, two or three hours' work in the higher offices. (*The Honourable Sir Basil Blackett*: "Oh!") No Department of course would ever agree that that was so: I have worked as a clerk in a *taluk* office and in a Deputy Collector's office and I know what I am saying. However, I am prepared to say that that is not the way in which to approach the subject. The subject has to be approached by the Honourable the Finance Member by the deputation of a special officer for the purpose, not of the department itself, which is considering this retrenchment. I know, Sir, that Mr. Tottenham makes it a point to meet all his officers and discuss with them the questions arising in his Department; but that will not solve the point that I have raised. I have no doubt if the Department is asked to sit in judgment on a recommendation of the Taxation Inquiry Committee, the Honourable Sir Basil Blackett will hold to the same view . . . . .

**The Honourable Sir Basil Blackett**: On a point of order, Sir? I have nothing to add to what I said this morning and in so far as the Honourable Member is speaking now he has not said anything that he had not already said. May I ask what is the special point that he says that he did not raise this morning?

**Mr. President**: Will the Honourable Member explain how the point raised by him this morning differs from the point he now raises?

**Mr. K. Rama Aiyangar**: Sir, I only dealt with the Salt Department and the Customs Department in the previous motion, but this refers to the combination of the staff for Opium with the Income-tax Department. But there are certain common observations to make, and therefore I was making them. I could not have replied to the speech of the Honourable the Finance Member because he was the final speaker on the last motion, and arguments which were used then do not at all apply to this case, and therefore I am making . . . . .

**The Honourable Sir Basil Blackett**: Sir, I am quite willing to allow Mr. Rama Aiyangar the last word.

**Mr. K. Rama Aiyangar**: When the time comes, it would be all right, and it would be utilized with much greater advantage.

Now, the real point is that it is not at all possible to convince a number of people who are in an office that the work they do can be taken away from them. That is not the way to look at it, and the Honourable Sir Basil Blackett did not refer to the question of Indianization of which I made a great point. The proper way to work the various branches effectively with less expenditure is to employ people who know the ins and outs of the country in which they are serving and who are willing and capable to take charge of the several Departments in their jurisdiction. The Taxation



Inquiry Committee in paragraphs 568 to 574 have dealt with this matter, and for the Imperial Department they suggest the determination of the policy as also the amalgamation of the staff wherever suitable. I submit, Sir, that all those principles that are suggested by the Committee would be immediately negatived by the departmental report that was referred to by the Honourable Sir Basil Blackett in his speech. It is necessary to examine and find out a method. It was said, Sir, that in England these Departments were not combined for purposes of collection of taxes, but I find from the Statistical Abstract for the United Kingdom that Customs and Excise are together collected by a common staff. Of course, there the inland revenue and inland taxes are treated separately. I find also, while examining the rates of expenditure, that they were almost the same till the war period, and subsequently too, though the income from Customs, Excise and Inland Revenue has increased considerably after the war, the establishment that was managing these departments did not increase proportionately to the income or even by any considerable ratio. I only mention this to show that it should be the duty of the Central Board of Revenue so to amalgamate the various branches of it as to make retrenchment possible. In this connection the question was raised by the Honourable Sir Basil Blackett that the Income-tax Officer is specially trained for his duties. I

4 P.M.

know that the staff that has been now recruited for the Income-tax Department is of a high order and that it will be able to look into the case with great success. The question that I now raise is that the main portion of the expenditure under the Opium Department is for the distribution of the monies to the various ryots who cultivate for cultivation expenses and afterwards for the crops that they realise. I ask the question, "Is all the establishment that has been provided here necessary?" If you have got in each area the Income-tax staff, by the addition of one officer here and there, the whole work might be attended to with a subordinate staff. The Opium Department is confined to some particular places and the United Provinces seems to be the only place where considerable money is spent on this Department. I have made inquiries, Sir, and I am satisfied that most of the money that is spent on superior and other officers there is absolutely thrown away. It is absolutely unnecessary. I place it as matter for examination by the Honourable Sir Basil Blackett. I want a definite answer to be given to me—it may be later—but I understand, Sir, that the money paid to the staff that distributes this money is not on any expert staff. It is not on any capable staff. There are a number of officers kept up for expenditure more than anything else. That is the charge that is made and I want the matter to be gone into completely. Of course we are wedded to ending this revenue and diminishing the cultivation also but it is expected that it will take another 20 years. But all the time there is a lot of money that is spent on this Department which can well be cut down by suitable additions to the Income-tax Department officers there. Of course, there is the opium factory establishment which stands on a different footing so long as it has to be maintained. But that will also go down gradually. Therefore, I submit it ought to be quite feasible to reduce expenditure considerably by amalgamating, wherever possible, under these two heads. I therefore press this motion, Sir.

**The Honourable Sir Basil Blackett:** Sir, I am anxious to allow Mr. Rama Aiyangar to have the last word. I hope that I shall be able to do so, because he will be able to reply to me when he comes to Opium and the same point is raised. I will repeat what I said this morning. The Income-tax Department requires a whole time staff of highly educated

[Sir Basil Blackett.]

and specially trained experts. Even the Indian Civil Service and the Provincial Services, with high educational attainments and administrative local experience and training were not able to do justice to Income-tax as a side-show and we have now got a special Income-tax Department. You cannot have the Income-tax Department as a side-show to anybody, or anything, even to Opium. As regards Opium, I may say that we are taking over the Opium Department direct—it is at present under the United Provinces Government—as from the 1st of April, and naturally, with the reduction in area, we hope to effect reductions in the supervising staff. But Mr. Rama Aiyangar's idea of wandering about the fields distributing money to the cultivators does not offer quite a true picture of the duties of the Opium Department which are very important duties of superintendence and prevention.

**Mr. K. Rama Aiyangar:** They are not expert officers, I suppose.

**The Honourable Sir Basil Blackett:** I do not really hope to convince Mr. Rama Aiyangar of anything, so I do not propose to spend much time, but I would like to point out to him that far from failure to Indianise the Income-tax Department being chargeable to us, the whole of that Department is being built up on recruitment of almost entirely Indians. Of the total among the Officers and Assistant Income-tax Officers, that is those who have been recruited during the last few years—I do not know exactly how many years—27 are Europeans and Anglo-Indians,—the majority of these being Anglo-Indians are really Indians,—and 286 are Indians.

**Mr. President:** The question is:

“That the Demand under the head ‘Taxes on Income’ be reduced by Rs. 100.”

The motion was negatived.

*Recommendations made by the Taxation Inquiry Committee in regard to Devolution Rule 15.*

**Mr. K. C. Neogy:** I beg to move:

“That the Demand under the head ‘Taxes on Income’ be reduced by Rs. 100.”

My intention is to discuss the question of Devolution Rule 15, and the recommendations made by the Taxation Inquiry Committee in regard to that rule. According to the ruling given by you this morning, I am precluded from discussing the question of policy underlying Devolution Rule 15, which we discussed last year about this time under a cut of Rs. 100 moved by me and accepted by the House. Last year I pointed out that, although this rule was intended to give provinces which had a large income-tax revenue, like Bombay and Bengal, a share in the growth that was expected the income-tax revenue would show year by year. Those expectations of growth of revenue had been falsified so far as the two industrial provinces were concerned, with the result that while all the other provinces gained by the operation of this rule, the two provinces which were intended to benefit did not derive any benefit at all. On that occasion the Honourable the Finance Member stated that his attention had not been previously drawn to the defective working of this rule. And if I were to follow the example of my Honourable friend, Mr. Kabeerud-Din Ahmed, I could have justly said that my modesty would not prevent my saying that I was the first to draw the attention of the Government to

this defective working of the rule. The Honourable the Finance Member also stated that he would take up this question at the next meeting of the Finance Members' Conference. I do not know what has been done in that matter, but meanwhile the Taxation Inquiry Committee had a good deal to say in regard to this question. They have examined the whole question regarding the income-tax and have suggested several alternative methods of giving the provinces a share in the income-tax revenue. Their recommendations are rather of a far-reaching character. My intention in raising a debate last year over this question was to draw attention to the defective working of this rule, apart from any question of the revision of the whole financial arrangement under the Devolution Rules. The Honourable the Finance Member in his budget speech the other day referred to the question of the Devolution Rule in paragraph 57 of his speech. And from his observations there I gather that it is perhaps his intention to take up this question, apart from the question of any general revision of the whole financial arrangement which is sometimes incorrectly described as the Meston Award. I want to know definitely whether that is his intention, and the idea that prompted me to give notice of this motion is to inquire from him what procedure he proposes to adopt in connection with this matter.

**The Honourable Sir Basil Blackett:** I cannot be very specific on this matter. I have recognised for some time that Devolution Rule 15 has not worked quite as it was intended, nor as was desired either by the provinces or by the Government of India. I am not in a position to say quite what the result may be, but I intend to take the whole question up in connection with the Taxation Inquiry Committee's Report. I do not think that the time has yet arrived for a wide revision of the Meston Settlement, but we do hope to see whether we can arrive at some conclusion in regard to this particular portion of the Settlement. I do not say that it will be possible to introduce an arrangement amending the existing Devolution Rule 15 at an early date, but it will be something if we can get a settlement. It must be remembered, supposing we were to introduce an amendment of the Rule which costs the Government of India, shall we say—I do not know how wide people will open their mouths—shall we say Rs. 50 lakhs, that would mean that Rs. 50 lakhs less will be available for the remission of the provincial contributions. Obviously we are in a difficulty, but I am very anxious that we should arrive at some reasonable settlement on this matter, because I think it is very important to all the provinces, and particularly to provinces like Bengal and Bombay that they should feel that, if not at once, at any rate in the near future, they do stand to get some cash value for progressive expenditure.

**Diwan Bahadur T. Rangachariar** (Madras City: Non-Muhammadan Urban): During the course of the discussion this morning and this afternoon the Finance Member must have noticed that several references have been made to the Taxation Inquiry Committee's Report. It is but natural that Honourable Members should refer to the suggestions contained there in dealing with their proposed cuts. I intended to make a suggestion by means of a supplementary question yesterday, but the Honourable Member wanted to have a written notice on paper. May I suggest to him the desirability of examining all the proposals together with the help of a Committee appointed by this House or a Joint Committee of both Houses. I think it will be a most useful method of examining the proposals, because the proposals bear one upon the other, and it is hardly

[Diwan Bahadur T. Rangachariar.]

right to deal with each proposal separately. I throw out this suggestion for the consideration of the Honourable the Finance Member as a useful method of dealing with the Report.

**The Honourable Sir Basil Blackett:** I shall be quite happy to consider this suggestion, if it is understood that I am making no promise at this moment nor in any way accepting it. I would point out that the Taxation Inquiry Committee's Report concerns all the provinces and the Provincial Governments, and a large part of the examination of it will be in consultation with the Provincial Governments. I do not say that that would entirely prevent the usefulness of the form of examination which my Honourable friend Diwan Bahadur Rangachariar has suggested but it may delay it. However, I will certainly give the matter consideration.

**Mr. K. C. Neogy:** In view of the statement made by the Honourable the Finance Member, I beg leave to withdraw my motion.

The motion was, by leave of the Assembly, withdrawn.

*Share of the Bihar and Orissa Government in the Income-tax receipts.*

**Mr. B. Das:** I beg to move:

"That the Demand under the head 'Taxes on Income' be reduced by Rs. 100."

I did not like to speak on the last motion of my friend Mr. Neogy, because I wish to raise the question of the share of the Bihar and Orissa Government in the income-tax receipts. The Bihar and Orissa Government gets 3 lakhs per annum. In the Explanatory Memorandum of the Finance Secretary in this year's Budget we find that it is estimated for the current year at 3 lakhs and 6 thousand. I say that the Government of Bihar and Orissa ought to get a larger share of the income-tax, and I am going to give the House the reasons. I trust that if I trace a few historical incidents the House will bear with me.

**The Honourable Sir Basil Blackett:** I think the Honourable Member might have raised this on the last motion. It is exactly the same point and I have nothing to add.

**Mr. President:** The Finance Member has given his reply to the general question of Devolution Rule 15 and I do not think it is worth while raising the question again.

**Mr. B. Das:** It is not my intention to deal with Devolution Rule 15. My point is that the Bihar and Orissa Government gets a very small share, and it must have a larger share. I wish to point out that the industrial companies situated in Bihar and Orissa do not pay income-tax through the Bihar and Orissa Government as their head offices are located at Calcutta and Bombay. If I am allowed I will point out these things and show how Bihar and Orissa deserves a further share of the income-tax.

**The Honourable Sir Basil Blackett:** This can only be done on the discussion that arose on Devolution Rule 15.

**Mr. President:** I do not think it can be dealt with otherwise. The whole question had just been discussed and the Chair cannot permit the Honourable Member to raise it again.

*Defective administration of the Income-tax Department in Calcutta.*

**\*Maulvi Abul Kasem:** Sir, I beg to move:

"That the Demand under the head 'Taxes on Income' be reduced by Rs. 5."

As I have stated in my notice of this motion I want to draw the attention of the Government to the administration of this Department in Calcutta. There is a general belief in Calcutta that this Department is not properly administered. There is a complaint of over-assessment and a complaint of under-assessment as well. The gist of the complaint is this, that people who ought to be assessed at a smaller amount, I mean the poorer people, are over-assessed, while rich people are under-assessed for reasons best known to the Department. I am told, Sir, that in one case a big merchant filed an affidavit in the High Court explaining that his income from various sources was so much, and I am told that he was assessed at 10 per cent. of what he admitted his income in his affidavit to be, and a copy of his affidavit was sent by Messrs. Morgan and Company, his solicitors, to the Income-tax Commissioner. But under the income-tax rules neither the solicitors nor other people have been informed whether the correction has been made or not. There have been persistent efforts on the part of several gentlemen to get an inquiry made into the administration of the Department, but unfortunately without any effect. I am under the impression that the officers of the Department and the Members of Government think that it hurts their prestige if any of their subordinate officers are charged with inefficiency, incompetence or carelessness. That is the root of all this trouble. What I submit is that, whenever a complaint is made against any public servant, an inquiry should be made which would give satisfaction to the people concerned. Under the rules they cannot produce the books of merchants before the public. So far as that goes it is quite right, but we want that these books should be independently examined by officers of the Government not immediately concerned with the administration of income-tax in Calcutta. Besides that, Sir, there is another complaint to the effect that that Department when written to by private individuals about their own taxes does not care to reply to those letters. It takes no notice of them, and on the other hand it serves notices on those very people asking them to pay taxes at such and such a rate by a particular date or otherwise action would be taken under the law. But the representations made by these very people to the Department are unheeded. For these reasons, Sir, I think that it is high time that the Honourable the Finance Member and the Central Board of Revenue took proper steps to have a thorough inquiry into the income-tax administration. The complaint is that very rich people, who have to pay super-tax, are under-assessed, which means a serious loss of revenue for which the general tax-payer has to suffer. It is also said—I do not know with what truth—that several firms keep a double set of books, one for use in courts of justice and another for the Income-tax Department. I have been informed, Sir, that this practice has been brought out in this way, that courts of justice have been informed that they are to take no notice of books of accounts unless they are signed by income-tax officers. At the same time I have been told—with what truth I do not know, I cannot vouch for it—that duplicates are also signed by officers of the Income-tax Department!

\*Speech not corrected by the Honourable Member.

**The Honourable Sir Basil Blackett:** Sir, I am very glad indeed to have this opportunity to deal with this question of the administration of income-tax in Calcutta. For the last year and more constant complaints have reached me from all quarters. I have done my very best to try and trace them to their source. The Commissioner of Income-tax, Bengal, and Mr. Tottenham, representing the Central Board of Revenue, interviewed Maulvi Abul Kasem himself in Calcutta last August and asked him for particulars and we have been unable to get any information whatever about individual cases. The same has happened in all sorts of directions. People have been actually up to Delhi and said they have got all sorts of information. You ask them for information. You get nothing; you get nothing specific whatever. We cannot go on following up claims in the strain, "I am told", "I am informed". The whole of Maulvi Abul Kasem's statement was, "I am told". Who told him? Why does not he give the information if he has got it? I do not complain I have no doubt that Maulvi Abul Kasem in making this statement does what he thinks his public duty of bringing this before the House, but I do say that we are not in a position to go on for ever being told that there are these charges when we do not get a single specific point and specific facts to look into. Mr. Tottenham himself has looked into the matter very carefully in Calcutta. That there are individual cases where individuals are getting off too lightly, I have very little doubt, and we should always be extremely grateful for proof, evidence, that that is so: but a general accusation that this is happening does not help, and I think it is really very unfair to the Income-tax Department that these general accusations should be made. I am sure they are doing their best, and they are most anxious to follow these up, but we must have something to go on and meanwhile the Department is really feeling rather under a cloud because so many accusations of this sort have been made that, quite naturally, a certain number of people are believing them, and the number of times that they are pressed from headquarters must be rather trying. That is the position. If we get direct evidence of any sort, we shall follow it up, and, if I may use an income-tax expression, "ruthlessly", but we cannot act on suspicion, and I do think that it is unfair to all concerned, to the assesseees and to the Government and to the Tax Department that these charges should be made without chapter and verse. I do not know with what purpose these charges are made, but I am sure that it is not right that they should be allowed to go on and that we should be put in the position of dealing with them. I speak rather strongly because this has been going on for so long; and I ask all Members of this House, if they have got any evidence to bring it to me. It will be treated with the utmost confidence and will be thoroughly examined, but it must be evidence. We cannot conduct a roving inquiry into a thing of this sort and we have done our best to examine the books, re-examine them, but no kind of evidence is brought forward that justifies these general statements.

**Maulvi Abul Kasem:** On a point of explanation, Sir. I have to submit that I received complaints from several people, and I felt it my duty to interview the Member of the Central Board of Revenue when he was there, and I placed the facts before him as they came to me; but the rumour is persistent, and therefore I felt it my duty to bring it up again.

**The Honourable Sir Basil Blackett:** I make no complaint, Sir. I am sure he brought forward these statements under a sense of duty, but I

do say also that our highest sense of duty should make us feel that, if these complaints go on, and we have no materials on which to base them, we should try and stop the complaints.

**Diwan Bahadur T. Rangachariar:** Sir, I think we must extend our sympathy to the Honourable the Finance Member for the situation in which he has been placed. Already the Income-tax Department is very unpopular having regard to the nature of its duties and if to these duties is added the investigation of complaints of a vague nature arising probably from differences which arise between individuals—oftentimes we are accustomed to anonymous petitions and various other communications by which people try to hurt their enemies—I think we will be making the Department most unpopular. I am glad that the Honourable the Finance Member has taken a definite stand which he has taken to-day in dealing with such complaints. Certainly definite complaints should be inquired into; especially complaints of under-assessment made *pro bono publico* are always open to suspicion and must be viewed with great suspicion indeed. It is very likely that most cases will arise out of private grudge or enmity or other reasons, as we know now that causes of enmity are progressing very rapidly on account of the election quarrels and various other causes. I know it from personal experience that even in ordinary village union panchayat elections there is a lot of factious feeling in the villages, in the taluks and in the districts. Therefore in the matter of income-tax, the veil of secrecy must be maintained by the Income-tax Department. It is one of the essentials of the working of the Department. I do not wonder at the gentleman who complained sending in an affidavit saying that a particular person stated his income to be such and such. Oftentimes witnesses come forward. When you ask a witness as to what property he has, he overstates it. That is the usual way in which we show the respectability of witnesses. When we put questions to the witness about the income, oftentimes he overstates it. We ask the witness "How much tax do you pay" as if that is the sign of respectability. That is a very usual question we put in cross-examination and sometimes in examination in chief also by the person who produces the witness to show that he is a respectable man. The man is inclined to overstate his income. As a matter of fact when it comes to examining his accounts or finding what he is really assessable at, he probably has not got that income. Merely for stating a thing he should not be taxed. You must find the real income. An affidavit is no guarantee that he has that income, although it is a ground for investigation. I do submit, therefore, that unless there are definite complaints, the Income-tax Department would be well advised in not pursuing such inquiries, especially when it is a case of an anonymous petition and not accompanied by any definite allegations.

**Mr. K. S. Jatar** (Central Provinces: Nominated Official): Sir, I think it would not be right for me silently to watch this debate in view of the deep interest which I have always felt in all matters connected with the administration of the Income-tax Department. I was entrusted with the duty of supervising the work of the staff in the Income-Tax Department for nearly six years in the Central Provinces and Berar and I should like to give the House an idea of what the subordinate officers think of the hostile speeches made in this Assembly in connection with their work. Sir, the lot of officials working in a Department like that of Income-tax is by no means enviable. It is generally believed that the Police Department is the most unpopular Department under the present administration of



[Mr. K. S. Jatar.]

the country. But I feel certain that the conditions in the Income-tax Department are even worse. While the Police have ordinarily to frustrate the evil tendencies of the criminals who come from the lowest ranks of society, the officials in the Income-tax Department have to meet the attempts to evade just taxation of persons who hold a high position in society. Sir, it is not considered a crime to evade payment of a tax by gentlemen who would not otherwise stoop to do anything which is considered degrading. My experience in the 6 years of administration of income-tax was most interesting in this respect. I found the assessee trying to evade payment of what they justly owed to the State included even persons who are generally recognised as leaders of society. When I was doing the work of a magistrate—and this I did for nearly 25 years—I invariably had the help of a prosecutor who always placed before me in an able manner the version of the prosecution story as against that of the defence and I found little difficulty in arriving at the truth. But the only way in which the poor Income-tax Officers can detect persons offending against the provisions of the Income-tax Act is by going through complicated accounts. Every attempt is made by several assesseees to get themselves assessed without producing the accounts. In fact, the process of obstruction starts with an attempt to get assessed without discharging even the statutory responsibility of submitting a correct return. When the returns and accounts are produced, the accounts are often discovered to be incomplete. It is by no means rare to find in the accounts false entries deliberately made with a view to evade taxation. If the Income-tax Officer resorts to powers given to him under the Act and levies a penalty, he incurs considerable unpopularity and the public unfortunately sympathise generally with the rich offending assessee and not with the miserably paid Income-tax Officer who is trying to discharge his public duties in the most uncongenial surroundings. He is generally regarded as a machine employed by Government for exacting as much money from the people as possible. I am wearying the patience of the House by mentioning the circumstances under which an Income-tax Officer has to work simply with a view to induce the Honourable Members to refrain from attacking them in this House without sufficient grounds and in a general and vague manner as appears to have often been done. My difficulty in explaining the correct facts as regards the specific grievances which have been brought to the notice of the House is that I have not been in close touch with the Department for the last two years. But, Sir, I can certainly imagine the circumstances under which these alleged grievances of income-tax assesseees have arisen in the province of Bengal and in some other provinces, the Members from which have just given expression to their views. The work of introducing the provisions of the new Act throughout the whole Province under a specially trained staff was completed in my province a little earlier than in other provinces. I remember that, when my officers were new to this work, similar grievances were placed before me. The allegations made were similar in character to those objected to by the Honourable Sir Basil Blackett just now. The pity of it was that the allegations were too vague to be replied to. When the administration of my department was attacked, I wrote personal letters to all the gentlemen who had taken a leading part in the agitation. I challenged them to bring to my notice half a dozen concrete cases from any part of the province in which the alleged grievances may be found to exist. In the replies I got, only one



definite case was quoted. Sir, I carefully looked into that case, I did not of course mention the name of the assessee nor could I go into details because we are strictly bound to observe secrecy. I explained the position in a general way to the gentleman who had written to me and he admitted that in that particular case the action of my Income-tax Officer was correct. I appeal to the Honourable Members, Sir, that they should not move such motions of censure in a light-hearted manner. We have with some difficulty succeeded in securing a band of energetic and young officers. In my province all the officers from the Income-tax Commissioner downwards are Indians and I believe most of them to be thoroughly reliable and straight and they are doing their best. Unjust criticism of their work is extremely discouraging to them. I am sure the same will be found to be the case with most of the Income-tax Officers in the other provinces.

**Maulvi Abul Kasem:** Sir, I desire to withdraw my motion.

The motion was, by leave of the Assembly, withdrawn.

#### *Discrimination against Companies.*

**Mr. W. S. J. Willson:** Sir, you have just heard from my friend Maulvi Abul Kasem, faults of the Income-tax Department in regard to the small traders and the small man's income. Now, Sir, will you kindly hear some complaints from the other end of the scale. Sir, the small man, the poor individual, as is generally admitted, is not in the habit of keeping accounts. Those for whom I wish to speak at this moment, and whose case I wish to bring to your notice are companies, who do keep accounts. Their accounts are ordinarily printed and circulated after audit by firms of the very highest standing, and I submit that there is no question—there never has been any question—as to the accuracy of these returns.

Sir, it is, I believe, generally admitted that we wish to industrialise and encourage industries in India. If that be true, then my submission is that we cannot do it better than by means of joint stock companies. If you have joint stock companies with limited liability, with a capital consisting of shares, the poor may share with the rich in investing their money and in participating in the industries of the country. But the people who offer a certain amount of discouragement to company finance are the Government who have put upon companies an extra-tax, a double tax, in the shape of a company super-tax. Sir, this company super-tax was put on originally as a war tax, and when there was war and the circumstances of the war had to be met, although the tax in its first form was most objectionable, subsequently some adjustments were made and the evils of it were to a small extent lessened; but now the existence of the tax in any shape or form is, I submit, an objection. It is a double tax. Shareholders in companies have to pay their income-tax. Commonly the company pays it for them and deducts it from the dividend warrant sent out. In other cases the company pays it and does not deduct it from the dividend warrant, but in that case the shareholder receives less than he otherwise would do. But the super-tax is paid by the company at a flat rate on the entire profits of the company, the flat rate being one anna in the rupee, with a deduction in respect of the first half lakh of rupees of the profits, which in the case of very large companies is a very small consideration, but in the case of very small companies may be a very real one.

[Mr. W. S. J. Willson.]

Sir, the amount realised from the collection of this double tax on companies is, I believe, something like 3½ crores per annum, and if that figure be true, it seems to me that the tax, which was originally put on for the purposes of the war, is now being used—or if not directly used is practically accounting for—the whole of the provincial contributions, the remissions of which we are able to give in the course of this year, which do not amount to 3½ crores.

**The Honourable Sir Basil Blackett:** Yes, they do.

**Mr. W. S. J. Willson:** The extra remissions.

Now, Sir, I am aware that many Government officials would call it a corporation tax. A rose by any other name would smell as sweet, and a skunk by any other name would be no more attractive. If you called cotton excise duty by any other name it would not abolish the scandal, it would not abolish the injustice of it. An argument they use is that this company tax affords them some measure of protection against bogus companies. Now, Sir, I would say that the question of bogus companies is far more a Government bogey. That there are a few bogus companies is regrettably true, but I submit that in most cases their articles of association, their management and their general appearance mark them down pretty correctly. Whether that is so or not, I firmly believe that the number of such companies is extraordinarily few, and it is an entirely new idea of justice to learn that because a few escape a tax which might be collected from them, deliberate injustice is to be imposed on the great majority of others. That seems to me to be entirely contrary to the first principles of British justice.

I would like to remind Government that an investment company, like a parent company, whether it has few shareholders or many, is a perfectly legal and proper concern. It has paid its taxes, it has acquired from the State its license to exist and to trade, in the shape of the company registration fees and fees upon its capital which it has paid. It is in my view just as right and proper, just as morally right, just as legal and just as legitimate in every way to promote a private company for the purpose either of an investment company or a parent company, as it is to promote a company for the purpose of limiting one's liability. The fact that a certain number of companies have from time to time been formed for the purpose of carving up their profits—gambling profits very likely—if any, or going into very violent disruption if not, in order to cheat their creditors, has never been allowed to militate against the operation of company law. In my view the bogey in the Government spectrum in regard to a few companies should not be regarded as a justification for this injustice of a double tax upon perfectly legitimate companies.

Sir, in other countries there are bogus companies, probably many more than there are in India. Nevertheless the bogey of bogus companies has not been allowed to interfere with the abolition of the corporation profits tax in England, and my submission is that it should not be allowed to do so here. It has never been proposed that a shareholder drawing dividends from a company which has paid this double tax should be allowed any rebate in connection therewith. Generally speaking (which I shall have occasion to refer to a few days later) there is such a tendency at the present time to put upon companies and the officers of companies

an amount of work on behalf of the State which other individuals are not asked to do, that I have been tempted to move the amendment that stands in my name, which is that the Demand under the head "Taxes on Income" be reduced by Rs. 5, which I move, Sir, in order to call attention to this matter.

**Mr. A. H. Lloyd:** Sir, the motion before us is again in the nature of a vote of censure upon the Legislature, because the machinery under which super-tax is collected from companies is prescribed by the Income-tax Act passed in 1922, and the rate at which it is collected is prescribed by the Finance Act of the current year. However, Sir, I do not complain of Mr. Willson's bringing this point up because it puts me in a position to draw his attention to the fact that the Taxation Inquiry Committee, in paragraph 251 of their Report, have considered this particular tax, the super-tax, as it is called, on companies. The Committee recommend that its name should be changed, but they also say that they see no particular objection to its existence; and I may also mention that although in the United Kingdom a tax of this nature has been abolished—that may be the good fortune of the United Kingdom—there are other countries in which it exists. I believe I am correct in saying that it exists in the United States of America and in the Union of South Africa. Well, Sir, in the course of our examination of the Taxation Inquiry Committee's Report we shall have to take into account this matter also. I leave it to Mr. Willson to draw what comfort he can from that; but as a matter of immediate practical politics, his answer seems to lie in the figure—something like 3 crores—which he himself mentioned as the revenue derived from this particular tax.

**Mr. B. Das:** Sir, I rise to speak on this subject and I say there is no equity in the way income-tax is assessed on companies. If we just look at Schedule II of the Finance Bill we find in the case of every company and registered firm, however small its total income may be, the income-tax is assessed at one anna and six pies in the rupee: while a private person who is getting an income of Rs. 40,000 pays one anna and six pies, and a person with an income of Rs. 30,000 pays one anna and three pies and a person with an income of Rs. 20,000 pays one anna in the rupee. Now what happens in the case of small registered companies which form the largest number of industrial undertakings? They cannot pay such heavy income-tax; and I think therefore that Government should revise their schedule of assessment of income-tax and give a certain amount of relief to these small companies.

As regards super-tax, I think Government have already received by telegram from the Indian Merchants' Chamber and Bureau their views on the subject. They support what Mr. Willson has just now stated. Let me just quote one sentence from their telegram:

"They further urge consideration at the earliest possible opportunity of the total abolition of company super-tax, which operates as a very odious form of double income-tax."

I do not know if Government have got a copy of this telegram; it is from the Indian Merchants' Chamber and Bureau, Bombay. We know that this super-tax is working very heavily on various companies. Of course there is a Bill shortly to come up before the House by which Government propose to collect super-tax which they cannot now properly collect from private individuals: Hindu joint families with so many members combine

[Mr. B. Das.]

themselves as an associated firm and thereby defy the income-tax authority in the matter of the payment of super-tax. But these joint stock companies are working for the development of industries and they are heavily taxed by the tariff policy of the Government already on imported materials, machinery and stores. Government should not continue this double taxation in the shape of super-tax and thereby imperil the resources of these companies and bring their development to a standstill.

**\*Mr. N. M. Joshi** (Nominated: Labour Interests): Sir, I rise to oppose the motion. (Laughter.) India is the one country in which the income-tax is the lightest. Mr. Willson said that this super-tax was imposed on companies as a war measure and therefore this tax must now be removed. But there are many taxes in the list which were imposed as war measures. He knows that the salt tax was raised from one rupee to one rupee and four annas as a war measure; it has not yet been reduced. (Mr. W. S. J. Willson: "It was Rs. 2-8-0 before that.") I therefore think that before taxation on poor people is reduced Government will not be justified in reducing any taxation on the richest people in the country. Mr. Willson referred to the accurate accounts of the companies. I do not know much about the accuracy of the accounts of the companies; but we know much about the window-dressing of the accounts of these companies. Sir, I oppose this motion.

**Dr. K. G. Lohokare:** Sir, the motion before us suggests to us one more feature of capitalism in spite of the fact that the capitalists have already been exempted from taxation on the transfer of their shares and on unearned income . . . .

**Mr. W. S. J. Willson:** There is a fee for transfer of shares.

**Dr. K. G. Lohokare:** But how much is it as compared with the tax on other properties is the question. Some more benefits consequent upon the incorporation of companies have been derived by them, and, in spite of all that, they want to bring down the income-tax, and to find cause enough further to tax the poor people of this country . . . .

**Mr. W. S. J. Willson:** I only referred to the double tax.

**Dr. K. G. Lohokare:** Yes! There is also the question of capability of the persons to pay taxes. That is one of the tests of taxation too. If that canon is followed, the tax on companies here is comparatively very much less than what it is in other countries, and therefore the plea that has been put forward for reducing the taxation does not stand at all because they have enough capacity to pay these taxes in return for concessions enjoyed.

**Mr. H. G. Cocke:** Sir, I am very glad to find myself in agreement with my Honourable friend Mr. Willson on a question of super-tax. I appreciate very fully the remarks he made. I consider that super-tax on companies is a tax on trading which ought to be taken off following what has been done in the United Kingdom. I am very sorry to find that the Taxation Inquiry Committee have committed a blunder in paragraph 251 of their Report in regard to this matter, and I hope that when Government consider their Report, they will skip over that paragraph and will not give any very serious consideration to the suggestion made by them. In

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\*Speech not corrected by the Honourable Member.

addition to suggesting that super-tax on companies should be retained, they have, as I pointed out the other day, suggested that the initial Rs. 50,000 should be taxed, and that it should not go free of tax as at present. They seem to have been somewhat hard on companies. I do not think they can appreciate the great benefit to the business world if small businesses cease to be firms and become limited liability companies. Every encouragement ought to be given to businesses consisting of partners, or a sole trader, to register under the Act. It is better all round, and I think those who have had business experience will entirely agree with that proposition.

**The Honourable Sir Basil Blackett:** Sir, I wish to add very little to the debate. Mr. Lloyd has already dealt fairly fully with the question of super-tax . . . .

**Mr. W. S. J. Willson:** Not at all.

**The Honourable Sir Basil Blackett:** This tax has a past, a present and a future. I will not say what its future will be, but I do wish to say on behalf of its past that I know of no evidence that it was imposed solely as a war measure. I have not been able to trace any statement to that effect, but it is just possible that it was so. But in order that there may be no slur on its past, I desire to say that, so far as I am aware, it was not imposed solely as a war measure, and my personal view is that it has been a very useful tax hitherto.

**Mr. W. S. J. Willson:** Sir, I beg leave to withdraw the motion.

The motion was, by leave of the Assembly, withdrawn.

**Mr. President:** The question is:

"That a sum not exceeding Rs. 63,64,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1927, in respect of 'Taxes on Income'."

The motion was adopted.

#### DEMAND No. 18—SALT.

**The Honourable Sir Basil Blackett:** Sir, I beg to move:

"That a sum not exceeding Rs. 99,00,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1927, in respect of 'Salt'."

#### *Improvement in the production of Salt.*

**Mr. K. Rama Aiyangar:** Sir, I move No. 30 and I do not propose to move No. 31. No. 30 runs:

"That the Demand under the head 'Salt' be reduced by Rs. 100."

This question has been taken up more than once on the floor of the House and as far as I can see, there is no sign of steps having been taken by the Government to actually improve the production of salt, so that the whole country might be self-contained so far as salt production goes and no import may be allowed.

**The Honourable Sir Basil Blackett:** (Holding up the Taxation Inquiry Committee's Report) Is this not evidence?

**Mr. K. Rama Aiyangar:** There is an excise duty levied on imported salt as much as the duty on salt itself but that does not go very far. The peculiar conditions of India are such that if possible it should not import any salt from outside. A higher levy of duty to protect the industry in the country will be quite justified. In fact, it has been proved that a considerable area has been shut down for production of salt during recent years because of competition. I raise this question only to know definitely from the Department what steps are being taken to improve the production of salt and to produce the amount necessary for consumption in India in India itself. With that view I raise the point, Sir.

**Mr. A. H. Lloyd:** Sir, I am grateful to Mr. Rama Aiyangar for the brevity with which he has brought his point before the House and I shall attempt to be equally brief. The question which is in issue is one which was very fully debated in this House a year ago on the Demand for Salt. Since that debate took place, the Taxation Inquiry Committee—I am sorry to have to refer to it so often—have submitted its Report and it will be found that in paragraph 179 of that Report the Committee sum up their conclusions with reference to the possibility of removing handicaps on the Indian manufacturer, of encouraging the manufacturer in certain provinces to make salt suitable for consumption in Bengal and of otherwise taking steps to make India self-supporting in the matter of salt supply. The Committee recommend that with this end in view an inquiry should be put in hand by the Tariff Board. It is of course too early for me to say whether the Government of India will decide on that course or will decide to adopt some other procedure for examining this proposal of the Taxation Inquiry Committee, but I think that Mr. Rama Aiyangar may rest satisfied that the matter is not at a stand-still and that certainly, in some form or other, it is going to receive very careful consideration.

**Mr. K. Rama Aiyangar:** I do not press the motion, Sir.

The motion was, by leave of the Assembly, withdrawn.

**Mr. President:** The question is:

“That a sum not exceeding Rs. 99,00,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1927, in respect of ‘Salt’.”

The motion was adopted.

**Mr. President:** I do not know if the House desires me to take up the next new Demand.

(Cries of “To-morrow.”)

The Assembly then adjourned till Eleven of the Clock on Wednesday, the 10th March, 1926.

# LEGISLATIVE ASSEMBLY.

Wednesday, 10th March, 1926.

The Assembly met in the Assembly Chamber at Eleven of the Clock, Mr. President in the Chair.

## QUESTIONS AND ANSWERS.

### DEPUTATION OUT OF INDIA AT STATE EXPENSE OF OFFICIAL MEMBERS OF THE PRESENT LEGISLATIVE ASSEMBLY.

1163. **\*Mr. Gaya Prasad Singh:** Will the Government be pleased to lay on the table a statement showing the names of official Members of the present Legislative Assembly, who were sent out of India at State expense (if any) and giving the following particulars:—

Number.	Names of Members.	Where sent.	Object of visit.	Year of visit.	Total expense incurred.	REMARKS.
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**The Honourable Sir Alexander Muddiman:** Before official Members of the present Assembly, if any, were sent on deputation out of India at State expense, they would probably have resigned their membership. It would also be difficult in most cases to decide whether such deputations were connected with their former membership of the Assembly or not. In these circumstances, any information on the lines asked for would probably be very misleading, and I think no public purpose would be served by collecting and supplying it.

### ANNUAL INCREMENTS OF INCOME-TAX OFFICERS IN SIND.

1164. **\*Mr. Harchandral Vishindas:** (a) Is it a fact that in some provinces Income-tax Officers get annual increments of Rs. 40 whilst in Sind they get only Rs. 50 every two years?

(b) If so, do Government propose to allow the Sind officers also the same increment of Rs. 40 a year?

**The Honourable Sir Basil Blackett:** (a) Yes. The scales of pay vary in different provinces according to local circumstances. The Income-tax Officers in Sind are on the same scale of pay as those in Bombay Presidency proper.

(b) The answer is in the negative.

PAY OF INSPECTORS AND EXAMINERS IN THE INCOME-TAX DEPARTMENT  
IN SIND.

1165. **\*Mr. Harchandrai Vishindas:** Is it a fact that in some provinces the Inspectors and Examiners of Income-tax are given pay at Rs. 250 to Rs. 500 and Rs. 150 to Rs. 250, whereas in Sind the above officers get Rs. 150 to Rs. 325? If so, do Government propose to accord to Sind officers the treatment accorded to similar officers of the other provinces?

**The Honourable Sir Basil Blackett:** The pay of Inspectors and Examiners in the Income-tax Department in Sind (to which the Honourable Member presumably refers) is as he has stated. The pay of officers of this class varies from Province to Province according to local conditions. The pay of Inspectors does not rise to Rs. 500 anywhere except in Bombay City. The pay of both classes of officers is higher in Sind than anywhere else in India except Bombay City and Burma, and the Government see no reason to increase it.

PAY OF EXAMINERS AND INSPECTORS IN THE INCOME-TAX DEPARTMENT.

1166. **\*Mr. Harchandrai Vishindas:** (a) Is it a fact that owing to the Fundamental Rules on the introduction of the reorganization scheme, some Examiners and Inspectors of Income-tax suffered in pay and that their juniors got more pay?

(b) Is it a fact that the Commissioner of Income-tax of Bombay brought this anomaly and hardship to the notice of the Central Board of Revenue, suggesting redress, but to no effect?

(c) Is it a fact that last year it was promised that the cases of these men would be duly considered, but that promise has not yet been fulfilled?

(d) Do Government propose to remedy the hardship referred to, by sanctioning the grant of adequate pay to the sufferers with effect from the date of the introduction of the reorganization scheme?

**The Honourable Sir Basil Blackett:** It does not appear that the Government have received any representations on this subject.

ANNUAL INCREMENTS OF INSPECTORS AND EXAMINERS IN THE INCOME-TAX DEPARTMENT IN SIND.

1167. **\*Mr. Harchandrai Vishindas:** (a) Is it a fact that in the mufassil of the Bombay Presidency proper the Inspectors and Examiners of Income-tax get increments of Rs. 15 every year whilst in Sind they get Rs. 25 every two years?

(b) If so, do Government propose to remove the inequality?

**The Honourable Sir Basil Blackett:** (a) Yes, but the scales as a whole are more liberal in Sind than in the mufassil Districts of the Bombay Presidency proper.

(b) I would refer to the reply that I have just given to the Honourable Member's question No. 1165.



**GRADING OF SUBORDINATES IN THE INCOME-TAX DEPARTMENT DRAWING RS. 200 PER MENSEM AS THIRD CLASS OFFICERS FOR THE PURPOSES OF TRAVELLING ALLOWANCES.**

1168. **\*Mr. Harchandrai Vishindas:** (a) Is it a fact that the subordinates in the Income-Tax Department drawing Rs. 200 p. m. are treated as third class officers for the purposes of travelling allowance whereas subordinates of the Provincial Government on the same pay are treated as officers of second class for the above purposes?

(b) If so, do Government propose to treat these officers equally in the matter of travelling allowances?

**The Honourable Sir Basil Blackett:** (a) Under the Supplementary Rules issued by the Government of India, the subordinates in question are treated as third class officers. The Government are not aware whether under the Supplementary Rules of the Government of Bombay, subordinates of the Provincial Government on the same rate of pay are treated as officers of the second class.

(b) The Government of India are not prepared to accept the principle that their Supplementary Rules should be superseded by the Supplementary Rules framed by the Provincial Governments.

**ADEQUATE REPRESENTATION OF INDIANS IN THE PROPOSED LEGISLATIVE ASSEMBLY IN TANGANYIKA.**

1169. **\*Sir Darcy Lindsay:** (a) Have Government received any information regarding an important statement made very recently by His Excellency the Governor of Tanganyika that it was his intention this year to create a Legislative Assembly to assist in the administration of the Tanganyika Territory?

(b) If the answer is in the affirmative have Government taken immediate steps to represent to the Colonial Office that the large Indian community settled in Tanganyika should be granted adequate representation in the Legislative Assembly?

**Mr. J. W. Bhore:** The answer to both parts of the question is in the affirmative.

**THE HAJ PILGRIMAGE OF 1925.**

1170. **\*Haji Wajihuddin:** Will the Government be pleased to state:

- (a) the number of pilgrims that went to Hedjaz in the pilgrim season of 1925, both from Bombay and Karachi?
- (b) the number of ships that carried these pilgrims from Bombay and Karachi?
- (c) the number of pilgrims that purchased return tickets from the shipping companies at both places?
- (d) the number of pilgrims that deposited Rs. 70, with the Government at Bombay and Karachi?
- (e) the number of pilgrims that purchased only single outward tickets from Bombay and Karachi?

- (f) the number of pilgrims that sailed without ticket, (i) from Karachi, (ii) from Bombay?
- (g) the number of pilgrims that returned from the Hedjaz after the Haj?
- (h) the number of pilgrims that died on the pilgrim ships *en route* to Rabigh and back?
- (i) the number of pilgrims killed or found missing in the Hedjaz?
- (j) the number of poor pilgrims that were brought to India at the expenses of the Government or any of the shipping companies?
- (k) the amount handed over to the companies from the deposits of the return passage money?
- (l) the amount refunded to (i) pilgrims not using pilgrims' ships on their return journey, (ii) the heirs of the deceased pilgrims?
- (m) the amount still lying with the Government unclaimed or unpaid?

**Mr. J. W. Bhore:** (a), (c), (d), (e) and (f). The Honourable Member is referred to my reply to his unstarred question No. 36 on the 25th August, 1925.

(b) 3.

(g) 2,600.

(h) 4 deaths are reported to have occurred on the return voyage from Rabigh. Information regarding deaths on the outward voyage has been called for and will be communicated to the Honourable Member on its receipt.

(i) The only case that came to the notice of Government was one Indian pilgrim killed by robbers.

(j) 187 by the Government of India and 3 by Messrs. Turner, Morrison & Co.

(k), (l) and (m). The information has been called for and will be communicated to the Honourable Member on its receipt.

#### REFUND TO HAJ PILGRIMS OF UNUSED DEPOSIT MONEY?

1171. **\*Haji Wajihuddin:** Is it a fact that pilgrims had to undergo great hardships in taking back their unused deposit money?

**Mr. J. W. Bhore:** The Government of India have hitherto not received any such complaint.

#### DISPOSAL OF THE PROPERTY OF HAJ PILGRIMS WHO DIED ON BOARD A PILGRIM SHIP.

1172. **\*Haji Wajihuddin:** Will the Government place on the table a list showing, (i) name, nationality, and place of residence of each pilgrim who died on a pilgrim ship? (ii) money and property taken into its custody by the shipping company and handed over to the Government in due course? (iii) whether the same has been handed over to the heirs of the deceased; if not, why not? (iv) how much money in all is lying with the Government unclaimed or unpaid and what the Government propose to do with such amount?

**Mr. J. W. Bhore:** The question does not indicate the period for which the information is required, but the Government of Bombay has been asked to give the requisite information in respect of the pilgrim season of 1925. On receipt it will be supplied to the Honourable Member.

#### QUARANTINE DUES AT KAMARAN.

1173. **\*Haji Wajihuddin:** Will the Government furnish a statement showing (i) the annual income from the quarantine dues at Kamaran derived from the pilgrims for the last five years, (ii) annual expenditure incurred on quarantine arrangements at Kamaran for the last five years, (iii) amount spent on the administration of Kamaran Island for the last five years from the quarantine duties, (iv) amount still lying with the Government?

**Mr. J. W. Bhore:** The accounts of the Kamaran Administration are now under scrutiny and Government are unable at present to give the information asked for.

#### QUARANTINE ARRANGEMENTS FOR HAJ PILGRIMS AT KAMARAN.

1174. **\*Haji Wajihuddin:** (a) Will the Government explain why the pilgrims only have to suffer the trouble of quarantine examination while all other travellers going from India to any other parts of the world even to Arabia in the non-pilgrim season are immune from similar treatment?

(b) Is it a fact that a pilgrim has to pay Rs. 10 at this quarantine station at Kamaran? Will the Government state when this practice is going to be abolished?

**Mr. J. W. Bhore:** (a) As the Honourable Member is aware, the quarantine arrangements for pilgrims at Kamaran are based on the provisions of the Paris International Sanitary Convention. The object is to safeguard the health of the pilgrims against the risk of the spread of infectious diseases by pilgrims proceeding to the Hedjaz.

(b) A fee of Rs. 10 is levied on pilgrims of all nationalities at Kamaran, except in the case of children under 7 years of age and pilgrims conveyed by ships on which the number of pilgrims does not exceed 5 per cent. of the registered tonnage. The abolition of this practice is not contemplated.

#### UNCLAIMED PASSAGE MONEY ON ACCOUNT OF UNUSED RETURN COUPONS ISSUED TO HAJ.

1175. **\*Haji Wajihuddin:** (a) Is it a fact that a large amount of unused return passage money of the deceased Indians, Bokharis, Chinese and other non-Indian pilgrims remains unclaimed and unrefunded with the shipping companies each year?

(b) If so, how much money is with the Government and how much with the shipping companies?

(c) Do Government propose to use such sums and all other similar sums lying with the Government or shipping companies for the benefit of the pilgrims?

**Mr. J. W. Bhore:** (a) The Government of India have no information.

(b) So far as Government are aware no sum representing unclaimed passage money on account of unused return coupons is at present in the possession of Government. They have no information as to what amount of such passage money, if any, is in the possession of the shipping companies.

(c) The Government of India are considering the framing of rules under clause (qq) in sub-section (I) of section 213 of the Indian Merchant Shipping Act, 1923, as amended by Act XI of 1925, so as to provide that such unclaimed passage money shall, in future, lapse to Government after a prescribed period and be applied for the benefit of the pilgrims.

#### UTILISATION OF INTEREST DERIVED FROM THE DEPOSIT MONEY OF HAJ PILGRIMS.

1176. **\*Haji Wajihuddin:** How much interest did the Government receive from the pilgrims' deposit money and on what object was it utilised?

**Mr. J. W. Bhore:** Complete information regarding the amount of interest received is not available but a sum of Rs. 6,300 approximately appears to have been realised as interest on the deposits made by pilgrims during the pilgrim seasons of 1924 and 1925, till the end of June last. The Government of India have directed that the receipts from interest should be utilised for meeting the extra expenditure in connection with the working of the pilgrim deposit system.

#### MEDICAL STAFF ON PILGRIM SHIPS.

1177. **\*Haji Wajihuddin:** Is it a fact that last year complaints were made by the pilgrims about the incompetency of the medical staff on board the pilgrim ships? Will the Government ascertain from the Captains of the pilgrim ships and also from shipping companies if they received any complaints such as those referred to above?

**Mr. J. W. Bhore:** No complaint of the nature indicated by the Honourable Member was received by the Government of India last year. The Bombay Government have been asked to make the inquiry suggested in the concluding portion of the question.

#### MEDICAL ARRANGEMENTS ON PILGRIM SHIPS.

1178. **\*Haji Wajihuddin:** (a) Has the Government seen the report of the Khilafat Delegation of 1925 as to the incompetency of medical arrangements and the advisability of keeping also a Tibbi Hakim on board each pilgrim ship for the treatment of pilgrims?

(b) Do Government propose to make arrangements in future with the shipping companies to employ Indian Hakims also for the Haj season?

**Mr. J. W. Bhore:** (a) No.

(b) The Government have no power to make shipping companies employ Hakims on pilgrim ships.

EXPENDITURE ON THE MEDICAL STAFF SENT FROM THE JEDDAH CONSULATE TO MECCA TO LOOK AFTER INDIAN PILGRIMS.

1179. \***Haji Wajihuddin**: Will the Government state:

- (a) the amount of expenses incurred on medical staff sent from Jeddah Consulate to Mecca to look after Indian pilgrims;
- (b) number of patients treated; and
- (c) cost of medicine distributed to the poor in Mecca?

SERVICES RENDERED TO INDIAN PILGRIMS BY THE JEDDAH MEDICAL STAFF.

1180. \***Haji Wajihuddin**: (a) Is it a fact that the medical staff sent from Jeddah gave practically no help to the pilgrims as their chests of medicines were left behind at Rabigh and they themselves performed the Haj and returned to Jeddah without giving any help to the sick at all?

(b) Will the Government state how much money is paid from the Indian treasury to the Jeddah Consulate for this medical mission, and do Government propose to discontinue such payment in future?

**Sir Denys Bray**: With your permission, Sir, I propose to answer questions No. 1179 and No. 1180 together. During the last pilgrimage just under £200 was spent over the despatch of the Indian doctor and staff from Jeddah to Rabigh and Mecca. Surplus medical stores were left at Rabigh, but the medical staff took medicine chests to Arafat and Mina and treated all who applied for treatment. No record was kept of the cost of the medicine distributed or the number treated, but the Indian doctor puts it at over 200.

As the Honourable Member knows, the conditions of the last pilgrimage were abnormal. The pilgrimage was very small and the health of the pilgrims partly in consequence unusually good. About Rs. 20,600 are paid annually from Indian revenues for the maintenance of the medical staff at Jeddah. Government believe that the staff render very valuable services to the Indian pilgrims and have no intention of discontinuing the expenditure.

EXPENDITURE IN CONNECTION WITH THE INDIAN PILGRIMAGE OFFICER.

1181. \***Haji Wajihuddin**: How much money was spent on the Protector of the pilgrims sent last year from Aden by the last pilgrim ship? Is it a fact that the pilgrims derive no benefit from expenditure of such money?

**Mr. J. W. Bhore**: The Honourable Member is presumably referring to the Indian Pilgrimage Officer who was sent to Rabigh. The expenditure amounted to Rs. 4,200 approximately. The Government of India do not share the opinion that pilgrims derive no benefit from such expenditure.

COMMUNIST PROPAGANDA AMONGST THE INDIAN STUDENTS IN THE UNIVERSITY OF OXFORD.

1182. \***Mr. Chaman Lall**: 1. Are Government aware that the Honourable the Home Member read a letter published in the *London Times*, of January 26th last, signed by the Vice-Chancellor of the Oxford University, in the course of the debate on the Bengal State Prisoners Regulation Repeal Bill?

2. Is it a fact that the Honourable the Home Member said that "an independent authority" (i.e., the Vice-Chancellor and Proctors) "investigated the matter and found that these subterranean and cowardly methods were being adopted" to infect Indian students with communistic propaganda?

3. Is it a fact that the two undergraduates at Oxford who signed the undertaking mentioned by the Honourable the Home Member were not Indians?

#### COMMUNIST PROPAGANDA AMONGST THE INDIAN STUDENTS IN THE UNIVERSITY OF OXFORD.

1183. **\*Mr. Chaman Lal:** Has the following correspondence appearing in the *Indian Daily Mail*, February 26th, 1926, been brought to the notice of the Honourable the Home Member:

#### "INDIANS AT OXFORD.

A Lie Refuted.

TO THE EDITOR, THE "INDIAN DAILY MAIL."

Sir,—Large prominence was given in the Indian papers some time back regarding the Communist activity amongst the Indian students at Oxford. I am surprised to see that the British news services have not supplied the Indian newspapers with some alacrity the news that the two undergraduates that were made to sign an agreement by the Vice-Chancellor of Oxford were not Indians.

In fairness to Indian students at Cambridge and Oxford whom some of the British newspapers love to attack at every conceivable opportunity, I request you to give prominence in your esteemed paper, to a letter from Sir Atul Chatterjee, High Commissioner for India, London, to the Editor of the "Times".

"A MEMBER OF CAMBRIDGE MAJLIS."

#### INDIANS AT OXFORD.

The following letter appeared in "The Times" in mail week:—

Following upon the letter from the Vice-Chancellor of Oxford University which you published in your issue of January 26 last on the subject of the action recently taken by the Vice-Chancellor and Proctors, I am permitted by the courtesy of the Vice-Chancellor to state that neither of the two undergraduates against whom disciplinary action was taken was an Indian. I should be glad if you will kindly give publicity to this statement in order that any possible misapprehension on the subject may be removed.

ATUL C. CHATTERJEE."

**The Honourable Sir Alexander Muddiman:** With your permission I propose to reply to questions Nos. 1182 and 1183 in a single answer. I have carefully examined the reports of the debate and can find nothing in what I said which suggests that the Communist propagandists at Oxford were Indians, which is not of course the case. On the contrary the point which I was very clearly making was the disreputable character of the attempts made to tamper with the loyalty of Indian students at Oxford and to induce them to take up revolutionary activities and the necessity of protecting them from such attempts. I am glad of this opportunity to associate myself with the Honourable and absent Member in the desire, which his questions imply, to exonerate the Indian students from Communist activities of this character.

NON-PUBLICATION OF VOLUME II OF THE INDIAN JAILS COMMITTEE REPORT.

1184. **\*Mr. K. C. Neogy:** What are the reasons for the non-publication of Volume II of the Indian Jails Committee Report (1919-20)?

EVIDENCE OF LIEUTENANT-COLONEL MULVANY BEFORE THE INDIAN JAILS COMMITTEE ON THE QUESTION OF THE TREATMENT OF STATE PRISONERS.

1185. **\*Mr. K. C. Neogy:** (a) When was the attention of Government first drawn to the evidence of Lieutenant-Colonel Mulvany before the Indian Jails Committee on the question of the treatment of State prisoners, and the correspondence between the said officer and the Inspector-General of Prisons, Bengal, on the same subject?

(b) What action did Government take in the matter thereafter? Did Government make any inquiries into the truth or otherwise of Lieutenant-Colonel Mulvany's allegations?

LIEUTENANT-COLONEL MULVANY'S STATEMENT REGARDING THE TREATMENT OF STATE PRISONERS.

1186. **\*Mr. K. C. Neogy:** (a) Is it a fact that, as stated by Lieutenant-Colonel Mulvany, the degree of confinement to which the State prisoners were to be subjected to was dictated by the police?

(b) Is it a fact that Bengal Regulation III of 1818 contemplates that the said degree of confinement is a matter to be determined by the Government of India, and not by any Local Government—far less the police?

NAMES OF STATE PRISONERS WHO WERE UNDER THE CHARGE OF LIEUTENANT-COLONEL MULVANY.

1187. **\*Mr. K. C. Neogy:** Will Government be pleased to state the names of State prisoners who were under the charge of Lieutenant-Colonel Mulvany, or about whom the said officer had personal experience in his official capacity, prior to the statement made by him to the Indian Jails Committee?

**The Honourable Sir Alexander Muddiman:** I propose, Sir, with your permission, to reply to questions Nos. 1184 to 1187 in a single answer.

2. The evidence of the Jails Committee was not published because it was considered that publication would serve no public purpose and most of the evidence has been taken in public.

3. The attention of Government was particularly drawn to Lieutenant-Colonel Mulvany's evidence in July, 1921, some months after the decision not to publish the evidence generally had been reached. Government took no action in the matter.

4. Lieutenant-Colonel Mulvany's statement that he was informed that the degree of confinement was dictated by the police was based on the statement contained in a letter from the Inspector General of Jails to the effect that the degree of solitary confinement was dictated by the police need of separating State prisoners from each other as well as from other prisoners. As the Honourable Member is aware, the nature of the confinement of such prisoners is determined not by the police but by the Governor General in Council.

5. I am unable to give the names of the prisoners who were under Lieutenant-Colonel Mulvany's charge. The information is not immediately available and could only be obtained at a cost of much time and labour.

**Diwan Bahadur T. Rangachariar:** Have the Government taken any action against the officer who was responsible for manipulating these reports?

**The Honourable Sir Alexander Muddiman:** The officer in question has passed to a higher authority.

**Diwan Bahadur T. Rangachariar:** May I ask why no action was taken by the Government with reference to the statement made by Lieutenant-Colonel Mulvany?

**The Honourable Sir Alexander Muddiman:** Because, Sir, those statements were considered by the Jails Committee and were obviously not accepted by that Committee.

**Diwan Bahadur T. Rangachariar:** Did the Government consider the desirability of issuing instructions that such a procedure should not be adopted in future?

**The Honourable Sir Alexander Muddiman:** What procedure?

**Diwan Bahadur T. Rangachariar:** I mean instructions not to manipulate these reports for Simla consumption?

**The Honourable Sir Alexander Muddiman:** I am not aware why anybody should issue instructions that my officers should not manipulate reports. They are not in the habit of doing so.

**Diwan Bahadur T. Rangachariar:** But this is one instance.

**The Honourable Sir Alexander Muddiman:** I am certainly not prepared to issue instructions which indicate that officers of Government are in the habit of manipulating reports.

**Mr. K. C. Neogy:** Is it the case of Government that Colonel Mulvany made deliberate mis-statements before the Jails Committee?

**The Honourable Sir Alexander Muddiman:** Sir, this event happened some years ago and it is impossible for me to ascertain at this date what were the reasons which the Jails Committee had for disbelieving the evidence of this officer.

**Mr. K. C. Neogy:** Are there no records in the office of my Honourable friend to show what action Government took on the evidence of Colonel Mulvany?

**The Honourable Sir Alexander Muddiman:** I have already told the Honourable Member that the Government took no action because the evidence of the officer was not accepted by the Committee before whom he gave evidence.

**Diwan Bahadur M. Ramachandra Rao:** I would like to know whether there is anything in the Report of the Jails Committee to show that the statements of this gentleman have not been accepted.



**The Honourable Sir Alexander Muddiman:** Yes, Sir. If the Honourable Member will read the Report he will see that they have found that political prisoners were well treated.

**Diwan Bahadur M. Ramachandra Rao:** Was there any reference to the statement made by Colonel Mulvany?

**The Honourable Sir Alexander Muddiman:** The Report is a public document and is open to my Honourable friend as much as to me.

**Diwan Bahadur M. Ramachandra Rao:** May I inform the Honourable Member that, so far as I know, there is absolutely no reference to any statement by Colonel Mulvany?

**The Honourable Sir Alexander Muddiman:** I am obliged to the Honourable Member for the information.

**Mr. B. Das:** With reference to question No. 1186 regarding the degree of confinement of State prisoners and the treatment they receive, are Government aware that the Governments of Burma and Madras have both said that they are treating the State prisoners as they have been directed by the Government of India? And are Government aware that every Provincial Government so far has said that the ill-treatment of State prisoners is due to the rules and regulations framed by the Government of India and that the Government of India are solely responsible for that ill-treatment?

**The Honourable Sir Alexander Muddiman:** The Honourable Member evidently did not listen to my answer. I told him then that Regulation III prisoners are confined under the orders of the Governor General in Council.

**Mr. K. O. Neogy:** Is the position of the Honourable Member this, that the statement made by Colonel Mulvany to the effect that the degree of confinement with regard to State prisoners is dictated by the police, is untrue?

**The Honourable Sir Alexander Muddiman:** I have already given that information in my reply. I said there, if the Honourable Member heard it, that Lieutenant-Colonel Mulvany's statement that he was informed that the degree of confinement was dictated by the police was based on the statement contained in a letter from the Inspector General of Jails to the effect that the degree of solitary confinement was dictated by the police need of separating State prisoners from each other as well as from other prisoners. As the Honourable Member is aware, the nature of the confinement of such prisoners is determined not by the police but by the Governor General in Council.

**Mr. K. O. Neogy:** Am I to take it that the Honourable Member agrees that, so far as that particular point is concerned, Colonel Mulvany made a deliberate mis-statement?

**The Honourable Sir Alexander Muddiman:** I am not prepared to say that Colonel Mulvany made a deliberate mis-statement. He may have been misinformed as the Honourable Member appears to be on this matter.

**Mr. B. Das:** As regards the ill-treatment of State prisoners, do I take it that the Governor General in Council is responsible for the conduct of the subordinate officials of the Provincial Governments in ill-treating these State prisoners?

**The Honourable Sir Alexander Muddiman:** I do not quite follow the Honourable Member.

## UNSTARRED QUESTIONS AND ANSWERS.

### LITIGATION BETWEEN THE BOMBAY, BARODA AND CENTRAL INDIA RAILWAY AND RAI SAHIB CHANDRIKA PRASAD.

213. **Mr. K. C. Neogy:** (a) Are the Government aware that a litigation is being carried on by the Bombay, Baroda and Central India Railway Company against Rai Sahib Chandrika Prasad, an ex-officer of that Railway, over land upon which he has a house in the colony known as Jonesganj at Ajmer?

(b) Are the Government aware that before the litigation was commenced, the said Rai Sahib had asked the authorities of the Bombay, Baroda and Central India Railway Company to make a joint reference to the Government of India upon the dispute, but the Agent of the Railway Company did not agree to this course?

(c) Will the Government inquire and ascertain the amount of money the said Company has already incurred and the amount anticipated to be incurred in the said litigation?

(d) Do Government propose to consider whether in view of the interest involved, it is desirable to spend those sums of money out of the railway funds belonging to the Government?

**The Honourable Sir Charles Innes:** (a) Yes.

(b) Government have no information nor can the information be obtained as the papers are all filed in the Court.

(c) The expenditure incurred on the litigation up to 18th February 1926 amounted to Rs. 9,750. It is not possible yet to say what further expenditure is likely to be incurred.

(d) The Government understand that important principles are involved in this case.

### PUBLICATION OF STATISTICS OF RAILWAY SERVANTS ON SALARIES ABOVE RS. 100 AND BELOW RS. 250.

214. **Mr. K. C. Neogy:** Will the Government publish statistics similar to those given in Appendix G to Vol. I of the Railway Board's Administration Report for 1924-25, giving the numbers of railway servants on salaries above one hundred rupees and below 250 per month employed on the Indian Railways?

**The Honourable Sir Charles Innes:** The Government are not satisfied that there is any real need for these additional statistics, the compilation of which would involve considerable time and labour.

## THE GENERAL BUDGET—LIST OF DEMANDS—*contd.*

### SECOND STAGE—*contd.*

#### *Expenditure from Revenue—contd.*

##### DEMAND NO. 19—OPIUM.

**Mr. President:** The House will now proceed to the consideration of the Budget, Part II, Second Stage.

**The Honourable Sir Basil Blackett** (Finance Member): Sir, I beg to move:

"That a sum not exceeding Rs. 1,52,96,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1927, in respect of 'Opium'."

*Complete stoppage of Opium consumption in India with a substantial beginning this Year.*

**Dr. K. G. Lohokare** (Bombay Central Division: Non-Muhammadan Rural): Sir, I move:

"That the Demand under the head 'Opium' be reduced by Rs. 30,00,000" with the view that consumption in India be stopped entirely with a substantial beginning this year. Last year, Sir, in the Supplementary Demands for Grants this House sanctioned an extra sum of 50 lakhs and it was then said that we had a bumper crop and that the extra amount was required for paying for the extra produce. The bumper crop was estimated to be about 28,000 maunds. From the statistics that I have here, the production of opium from each *bigha* ranges between 4 seers and 13 chittaks and 3 seers and 1 chittak. The average figure is somewhere about 4 seers and 3 chittaks; but if we calculate this additional produce, the average this year comes to above 6 seers. I am really doubtful, Sir, if a bumper crop can produce two-thirds of the extra quantity. There must be some error in calculation of the average area cultivated. Secondly, Sir, this excess can not be found accounted for in the surplus stock in the charge of the Government of India. The argument put forth is that provinces have taken up that extra produce. I should like to know why the provinces required this extra produce. Is it used for an extra local consumption or for some other purpose? Our policy, Sir, has been guided by the Geneva Protocol, by which the export, production and distribution of opium is to be controlled, and within five years the Government of India are bound to reduce it to such a point as would simply satisfy medicinal requirements in India. A beginning has to be made within five years with that object in view. We find from the speech of His Excellency in the Council of State that the Government of India propose actually to reduce the export while the question of production and distribution for local consumption is left alone. Sir, there is a saying in my vernacular:

*"Upadhyachē mulachē lāma karato pāna  
gharachē mulaga upāshi thevato."*

That means that a man is ready to marry the son of a priest while his own son is starving. Some such principle is found here. We have been providing for the charitable purpose of the suppression of opium in other

[Dr. K. G. Lohokare.]

countries, while I am afraid we are not attending to our own local consumption and we even allow it to increase. If it was the honest intention of the Government of India to stick to the wording of the Protocol and to attach some importance to their signature on it, I think they should have undertaken the reduction of production as well as distribution in this country.

**The Honourable Sir Basil Blackett:** I should like to know what the Protocol has to do with the subject.

**Dr. K. G. Lohokare:** I am just coming to the point, Sir. It has a bearing. It means, therefore, that if we had stuck to that wording, we should have had a further reduction in expenditure on production this year. We are pledged to that wording and we must follow it accordingly. In the budget figures, I see that the demand put forward under payments to cultivators in the United Provinces is Rs. 93,06,000. In the budget estimate of 1925-26 the same amount was demanded, while we are told in the Standing Finance Committee's Report that the area under cultivation is brought down by 66,000 acres. That means that the area under cultivation is brought down by one-third. Where is the necessity of paying the cultivators the same amount then? If the area under cultivation is to be reduced, the amount of the produce will be reduced by one-third: therefore the price that has to be paid for the produce must be reduced by one-third. It is not going to be a bumper crop every year. Every year the opium poppy is not going to yield one and two-thirds of the usual yield. If Indian land is going to be so productive at the pleasure of this Department there is absolutely no need for a Royal Commission to inquire into the question of the improvement of agriculture. The Opium Department is fully competent to achieve the purpose. But there is, I fancy, something inside, Sir, and I do not know what it is. I am not in the confidence of the Government to know the actual figures, but it is the discrepancy that I want to point out. If the area under cultivation has been reduced, then what is the necessity of paying the full amount? That is the question. This year the expenditure actually must be two-thirds of Rs. 93,00,000, and that comes to 62 lakhs. I leave the question of a progressive further reduction of the area of production for this year aside, but I simply point out that one thing has been promised, I mean the area of production is to be lessened every year. If it is to be so reduced, taking the figures of acreage allowed last year only the amount to be given to cultivators for the price of opium must be less this year by 30 lakhs at least. I leave the question of policy to Dr. Datta. He will look into it, but we ought to have this reduction this year, and I think Government will justify their position by agreeing to this reduction of 30 lakhs. With these words, Sir, I move my motion.

**The Honourable Sir Basil Blackett:** Sir, I am sorry Dr. Lohokare refuses to accept the statement of fact that the yield of the area under cultivation for opium last year was so much per seer, because that is the actual fact, and it is no good arguing that it was not so.

**Dr. K. G. Lohokare:** Question.

**The Honourable Sir Basil Blackett:** I do not quite see how he can question it, unless perhaps I were to use this argument: "Dr. Lohokare is not so stupid as to say this; therefore, he did not say it." It is not for Dr. Lohokare to deny that.

**Dr. K. G. Lohokare:** Sir, may I draw the attention of the Chair to the use of the word "stupid"?

**The Honourable Sir Basil Blackett:** The main point that Dr. Lohokare has made I think is that we ought to provide less than Rs. 93 lakhs this year for payments to cultivators in the United Provinces for opium because we provided Rs. 93 lakhs last year. It is perfectly true that we provided Rs. 93 lakhs last year in the original estimate. Unfortunately we found that we had provided a good deal too little: we actually had to pay 1 crore and 40 lakhs. This year we have a very much smaller area under cultivation. It is not a question of the area going to be reduced: the area has been reduced. We have therefore a smaller area under cultivation and may reasonably hope that the crop that we have to pay for will be considerably smaller than the crop which we had to pay for last year. We have reduced our estimate therefore from 140 lakhs to 93 lakhs, which is a very considerable reduction. Dr. Lohokare has insisted on comparing it with the figure that we inserted last year in the Budget, but we found that for three years in succession we had provided much too little. We have had to come up with a Supplementary Demand in each year owing to the fact that the crop has turned out to be considerably larger than that which we had estimated for. We have not felt justified, therefore, in view of our experience of three years, in taking a lower estimate for the outturn of the crop than the figure that is taken in the estimates this year, that is, 93 lakhs, for the amount that we shall have to pay. It does not imply that there is any special additional consumption of opium. Dr. Lohokare asked why it was that the Local Governments had taken additional opium. The answer is that under a special arrangement as from the 1st April 1925 the Local Governments took over and paid for the stocks. It was a book-keeping transaction as between the Central Government and the Local Government.

**Dr. K. G. Lohokare:** It means there is an excess already.

**The Honourable Sir Basil Blackett:** It means that the stocks required for use in the treasuries are held now by the Local Governments instead of by the Central Government. It is merely a question of who actually holds these stocks.

**Dr. K. G. Lohokare:** In addition to the usual stock of the Government of India.

**The Honourable Sir Basil Blackett:** It has nothing to do with the stock of the Government of India. This is stock in the treasuries for the use of the Local Governments. The stock held by the Government of India was very much in excess of requirements. We have had for several years in succession much larger crops than we expected, and we have had a stock much larger than we required. That is one of the reasons which justified us in making a larger cut than we might otherwise have made in the area under cultivation. The existence of these stocks has nothing to do with any policy regarding consumption. The existence of these stocks is the

[Sir Basil Blackett.]

result of the reduction of the area under cultivation. We have reduced that area in the hope that thereby we shall in course of time very considerably reduce the stocks. I do not know whether there are any other points that Dr. Lohokare wishes me to answer. I have tried to explain the meaning of our estimate, namely, that it is based on a higher outturn per acre of the area under cultivation than our estimates in previous years, because in previous years year after year we have found that our estimates have been much too low. That is all I have to say as regards the possibility of making this cut. We have got to pay the cultivators for the crop which they produce. We cannot tell at the present moment exactly what the crop will be. But if it is anything like the average . . . . .

**Dr. K. G. Lohokare:** That means that the excess crop has covered the reduction of the acreage.

**The Honourable Sir Basil Blackett:** I do not follow the Honourable Member.

**Dr. K. G. Lohokare:** The excess crop has made up the deficiency in acreage and the total production is the same as last year.

**The Honourable Sir Basil Blackett:** The Honourable Member is again making a statement comparing the original Budget for the current year with the original Budget for 1926-27. Our experience of the last three years has been unfortunate. We provided far too little in our original Budget. Supposing the outturn is at the same rate as last year, the amount we should require would be something in excess of 93 lakhs, as against 143 lakhs last year. We have not allowed for such a large outturn as last year in which we had an especially high crop; the outturn was much higher than we had allowed in the original Budget of last year or the year before. Our experience of the last three years has been unhappy.

**Mr. President:** The question is:

“That the Demand under the head ‘Opium’ be reduced by Rs. 30,00,000.”

The motion was negatived.

### *Opium Policy of the Government of India,*

**Dr. S. K. Datta** (Nominated: Indian Christians): Sir, I propose a small reduction of Rs. 100 to call attention to the opium policy of the Government of India. At the very outset I feel I ought to congratulate the Government of India on the bold step that they have taken in restriction of the export trade. Our debate of last year, I may say, was not wholly useless. I know it is an ungracious thing on the other hand to look a gift horse in the mouth. I think I will take the risk of doing that, not for the satisfaction of the Government Benches, but possibly for the satisfaction of those who believe in a theory of economic determinism. Sir, the interesting fact in regard to the cultivation of Indian opium has been the rise in the cost of production. Between the years 1913 and 1914 the cost of production of a chest of opium was Rs. 632. Between 1922 and 1923 the cost has risen to Rs. 1,270 a chest. In other words, the cost of manufacturing a chest of opium has more than doubled. What

are the reasons for this rise in price? The Government began to discover that they could not get the cultivator to grow the poppy on the old terms. That was a cardinal feature in the situation. Mr. C. D. Wild, the Opium Agent at Ghazipur, on 18th January, 1921, wrote:

"The season was again an unfortunate one for the crop . . . the yield was disappointing. This misfortune was accentuated as wheat, the chief competing crop, did not suffer and gave excellent results.

The thanks of the Department are due to Mr. H. Young and Pandit Champa Ram, Special Managers, Court of Wards, for their assistance in inducing the men on their estates to engage for poppy. Quite an appreciable area was obtained through their help."

I wonder whether these excellent gentlemen were remembered in the Honours List. We also find the Secretary to the Board of Revenue in the United Provinces, Mr. C. L. Alexander, writing on 3rd March, 1921:

"As the previous year had been an unfortunate one and cultivators were in need of money, it might have been expected that settlement would have been obtained without difficulty for the full area required; but the area fell short by 16·15 per cent. . . . an average return of Rs. 33·1 per bigha . . . falls very short of the profit obtainable for the cultivation of wheat, the competing crop . . . It is satisfactory that the price of opium has been raised again, and will in future be Rs. 15 per seer. The Board hope that this will lead to a fuller area being obtained next year."

The price given to the cultivator was raised from Rs. 7-8-0 to Rs. 15. But this factor must have had an immediate effect on the price of opium in the Far East, that is the Indian monopoly or non-monopoly opium in the Far East. There was another factor also at work in putting up the price of opium in the Far East, and that was exchange. If you consider the rates between India and Hongkong, it is clear 100 dollars equalled, in 1919, Rs. 215 and in 1920-21, Rs. 257. Then it dropped to Rs. 218, 181, 169-3/16 and in 1924-25 to Rs. 165-5/8. In other words, more dollars were required to purchase the same quantity of Indian opium and the price of Indian opium in the Far East was raised. There was also a third factor to which much attention was paid last year, though unfortunately the results were not considered. As I read the debates at the Geneva Conference, whenever China was mentioned the representative of the Indian Government passionately denounced the smuggling of Chinese opium into the other parts of the Far East. I did not then quite realise why there was so much heat in the controversy. Again in the proceedings at Geneva there was another thing to which my attention was directed. The representatives of certain European States referred to monopolies and high prices. The innuendo was that the British Government's determination on an opium monopoly was to ensure a high price and thus obtain a very substantial profit from the sale of Indian opium. What had happened was this. Chinese opium was getting round. The price of smuggled Chinese opium ruling was something like one-fourth or one-sixth of the price of Indian opium. The tendency of Indian prices had been upwards; the tendency of Chinese opium prices had been, on the other hand, downwards. In other words, the Indian Government was losing its Far Eastern trade. A few weeks ago (early this Session) I asked the Honourable the Finance Member for certain statistics. I asked him what amounts of opium were sold at the auction sales in Calcutta. In 1922, 2,790 chests were offered for sale and 2,500 were sold. In 1923, 3,150 chests were offered and 3,000 were sold. In 1924, 3,000 were offered and 2,240 were sold. In 1925, 3,000 were offered and 1,155 were sold. Now, the curve of sales of the Indian product, at least through auctions, has decreased.

**The Honourable Sir Basil Blackett:** Does the Honourable Member realise that is entirely because we were making direct agreements?

**Dr. S. K. Datta:** Direct agreements? The quantities thus sold have also dropped, and may I inquire why the amounts offered at the auctions remained almost constant?

**The Honourable Sir Basil Blackett:** We were cutting them.

**Dr. S. K. Datta:** There was also another factor in the situation which probably influenced the Indian Government in its decision not to continue this diminishing trade, and that was the possibility of a League of Nations Inquiry Committee. The League of Nations said they were going to send out a committee to see whether there was smuggling of opium in countries where opium is produced, and whether proper regulations are in force to prevent smuggling from those countries. Now, I do not know if that was a reason, but on looking into the facts I wonder whether that was not also a factor in the situation. However, the great thing has been achieved. We have at least been told that a complete extinction of the foreign traffic has been decided upon and that in itself is a tremendous gain and a step forward.

Now, Sir, I turn again to the debate held in this House a year ago. It centred round the internal consumption of opium. In that debate the Honourable the Finance Member used the following words which, to my mind at least, constitute a distinct pledge to this House. He said:

"But I can say for myself that my own view coincides entirely with that given by Mr. Cosgrave and I think that, unless strong reasons exist, which I do not know of, some kind of inquiry to review the conclusions of the Commission of 1923 may be very desirable. I see no objection to it. But I say I am not in a position to go further because we have not yet received the replies of the Local Governments."

Now, what has been done? On several occasions Members of this House have interpellated the Honourable the Finance Member regarding this inquiry into the internal consumption of opium in India. What has been the result? We have been told that the matter is still being considered, or the Local Governments were being consulted. On the 27th January of this year the Honourable the Finance Member said that the replies of the Local Governments to the reference of the Government of India regarding the consumption of opium in India have been received and are now under careful examination. He said that he was not in a position to make any further statement at present. • I wonder how far these efforts have gone. In the month of May—I think it was two months after the debate in this House—I was told by the Secretary of the National Christian Council that he had addressed one of the Local Governments regarding this matter. He told the Local Government that the Honourable the Finance Member had made a particular statement in this House regarding a re-inquiry into the problem of the internal consumption of opium and he asked the Local Government what their attitude would be with regard to an inquiry of this kind, or rather he commended an inquiry of this kind to the Local Government. The reply of the Local Government was that they never heard about this debate and they did not know that the Honourable the Finance Member had made a statement regarding opium. They asked the Secretary of the National Christian Council to supply them with a copy of this debate. Now, Sir, I do not know how it happened. It may



perhaps be a mere accident. I would however like to know what has exactly been done and where do we stand with regard to this inquiry. What did we ask for last year? It was this:

“As examination of the general policy of Government which, so far, has been based on the Report of the Royal Commission on Opium of 1893 to 1895.”

Now, Sir, some points were put forward regarding the cultivation of opium crop under the system of advances. I have already read out some extracts from official documents regarding certain features of the cultivation of the opium crop. When we spoke last year on this subject, we referred the Government to the question of an inquiry into the problem of illicit traffic and I believe that I quoted what was then the evidence of the Excise Commissioner of the United Provinces Government which he gave before the Taxation Inquiry Committee. To-day we are also in possession of the Report of the Taxation Inquiry Committee. Their views are still more emphatic. With regard to the cultivation of opium they say:

“The cultivation of poppy, though now restricted in British India to a single province, is carried on there in as many as 29 districts. This large dispersal of it coupled with the enormous temptation to the smugglers which results from the high rates of duty makes it exceedingly difficult to ensure that all the opium is brought into the factories.”

This is what we suspected. They go on:

“And it seems to be desirable to secure a large concentration of cultivation even if this results in an increase in expenditure.”

We also referred last year to the illicit traffic from Malwa. I now ask Government whether it is a fact that the Excise Department of the Central India Agency was asked to report on this feature? If so, with what results? Has there been a report on this matter or not? Another feature of the illicit traffic is the enormous amount of opium that finds its way into the smoking dens of Calcutta. We are told, Sir, that opium is under a strict control. But I would ask the Honourable the Finance Member to visit an opium den in Calcutta when he next goes there and see how that strict control is being maintained. If you go to one of these Chinese clubs you will find people with their pipes, as also a boy who attends to them to whom they pay a sum of 8 annas for the “prepared opium”. The boy is constantly bringing in opium for them and thus they can go on for the whole night; an unlimited quantity of opium is evidently available in spite of the fact that its sale is supposed to be under restriction. This shows that there is need for a most searching inquiry. So much for the illicit traffic of opium.

Let us now turn to another feature of opium, as commented upon by the Royal Commission, namely, the medicinal uses of opium. We have been told that opium to the country at large is necessary for medicinal purposes. Last year it was pointed out in the debate that, as a matter of fact, the highest percentage of consumption of opium was in areas where medical relief was available and lowest in remote district areas. But evidence is accumulating and has been accumulating for the last 30 years as to the medicinal use of opium. The Royal Commission itself said that the matter ought to be investigated. Probably at the back of somebody's mind when that recommendation was drafted was the idea that certain scientific researches had been undertaken but the results were not then

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known. That was in 1895. But in 1898 the first researches of the Pasteur Institute became available to the public. In Metchnikoff's laboratory in the Pasteur Institute in Paris experiments were made by a number of scientists. The results of these experiments are highly interesting. They appeared in English in a book entitled "Immunity in Infectious Diseases" published by the Cambridge University Press:

"It is possible to immunize guinea pigs against cholera, unless treated with opium,"

The reason is perfectly clear. The narcotic effect on the phagocytes of opium retards their defensive functions. Here in India we have a confirmation of this from Sir Leonard Rogers, at one time Professor in the Calcutta Medical College. He is emphatic in his denunciations. He says that in cholera the retention of toxins formed by the cholera vibrio and resulting uraemia is often brought out by the use of opium. As to dysentery, malaria and kala-azar there is recent medical evidence incorporated in the report on *Opium in Assam* by Special Committee of the Indian National Congress which makes it clear that opium is useless in these conditions. This has been confirmed by eminent authorities such as Manson and others. With regard to malaria as far as I can see according to present day medical science, there is not an iota of evidence that it is either curative or a prophylactic. We also know that opium itself produces a peculiar kind of diarrhoea in opium eaters. In June of last year the Government of Assam made a public report on the opium position. The report was written in 1913, and the Committee was presided over by the Honourable Mr. Botham. In the report the following passage appears:

"Another garden in which large opium consumption and unhealthiness go hand in hand is the Namsing division of the Jaipur Tea Company. The Manager says, 'The garden is on the 'black list' and I put down the whole cause to opium'."

Opium, it is true, has a certain important value, but hardly any of those which were given to it by the Report of the Royal Commission of 1893.

The next point on which we seek investigation—and more and more evidence is being accumulated in regard to this—regards the effect of opium on children. We observe a very high infantile death rate in the city of Bombay. In the industrial areas in Bombay it was, in 1917, 410 per thousand, in 1918, 590 per thousand, in 1919, 552 per thousand, and in 1921, 667 per thousand. Take another industrial city, Ahmedabad. We have no figures for 1917-18, but in 1919 the death rate of infants under one year was 363 per thousand, in 1920, 360 per thousand and in 1921, 348 per thousand. We know that this higher death rate is not wholly caused by opium, but there is a considerable drugging of children with opium, and it is probably a contributive factor. This is another matter which we desire to see investigated.

Now, Sir, the Government of India, or rather the Local Governments of India are completely unable to make up their mind whether they should treat opium as they treat alcoholic liquor on the one hand or as a poison on the other, and this is demonstrated by the dilemma in which the responsible departments find themselves in. A few months ago the Bengal Government published in the *Calcutta Gazette* draft rules which they had made under the Indian Poisons Act, for the control of particular poisons. Under those rules, they classified poisons under three heads, Schedule A,

Schedule B and Schedule C. The most potent poisons were placed in Schedule A, the less potent in Schedule B and the least potent in Schedule C. Rules were made under Schedule A for the sale of drugs included in it. First these drugs must be sold by licensed chemists, secondly, if anyone purchases these drugs he must give his name and address, and possibly also sign the chemist's poisons register, or put his thumb mark. The particular bottle in which the drug is given out must have a particularly coloured label with the word "Poison". It must also bear the name of the chemist who dispensed it, and the chemist has discretion, if he does not know the person, to refuse to give the drug at all. Now classified with prussic acid and other potent poisons I find opium included. Opium and its derivatives were placed in Schedule A as being dangerous poisons. On the other hand the rules exclude "excise opium" which is exempted. A respectable person, that is to say, a person of intelligence and education, who knows what a poison is, is the sort of person who usually goes to a chemist shop and asks, say, for Chamberlain's Cough Cure, or for some more or less innocuous patent medicine with a minute quantity of opium in it. The precautions prescribed by Schedule A for the sale of these drugs are applied. On the other hand the ignorant labourer enters an excise shop and buys 3 tolas of opium, enough to poison himself and his whole family, but no such precautions are taken. Government will have to make up its mind whether they are going to consider opium as a poison or not.

Now, Sir, some time ago I asked questions of the Army Department with regard to the use of opium. The questions and the replies of the Army Department were as follows:

"(a) Are Government aware that during the late War opium was issued by the Supply and Transport to certain Indian personnel when on active service?

(b) Is so, will Government state under what conditions was this done?

(c) Will Government place the instructions permitting this practice on the table of the House?

(d) Will Government state whether these instructions are still in force, and, if so, is Government prepared to abolish them?"

The answers to these questions were as follows:

"(a) Yes.

(b) It was supplied as a ration on payment to opium eaters only, at the rate of 20 grains a man per day.

(c) and (d). The issue of opium on the scale mentioned is provided for in the 'Supply and Transport Manual (War)'. These instructions are still in force, but the Manual is to be revised shortly, and the question will then be examined whether the issue of opium as a ration article on payment should be continued or not."

May I compare that with the practice of certain other European Powers who have possessions in the East. The Dutch will not admit to their military services any person addicted to opium. Indeed many medical officers themselves have held that the inclusion in the Indian Army of personnel who had formed the habit of eating opium was a very great mistake, and as a matter of fact such people on active service were of little use.

Now since the debate held in this House two very important documents have come into our hands. The first is the Taxation Committee's Report and the second is the Assam Congress Committee's Report on Opium. Now, Sir, what were the conclusions of the Taxation Committee? I do

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not know whether my friend Mr. Lohokare has read that Report. Here are some of the conclusions :

" (1) The Ghazipore Factory is carrying a stock which is out of all proportion to its present issues and which represents a very large lock-up of capital.

(2) In the second place a recommendation is made that future issues of opium should be in pill form for the following reasons :

(a) Less labour for the retailer.

(b) The pill form will protect the poor against adulteration ;

(c) The large cakes in which opium is now supplied to the retailer is an aid to theft and hence illicit traffic."

The Report further recommends that there should be an equality of price, one rate of excise or monopoly price for continental India ; we would thus be able to speak about " national opium ". The Report further condemns the present auction system and says :

" On the other hand the steady pressure that is being exerted towards limitation of issues to those for medical use and the extension to Assam of the policy for registering consumers suggests the desirability of introducing something in the nature of official vend."

Now, Sir, what, may I ask, is to be the attitude of Government to these particular proposals?

The second important document is the Assam Congress Committee Report. One of the most valuable things that the Congress Committee's Report did was to republish extracts from the Botham Report, which the Government, after 12 years, made public last June. The Committee reported in 1913 but the Government has refused publication of that report until last year. Now the Botham Report says regarding the consumption of Opium in Assam :

" Among those who take opium only [non-medical], consumption in the form of smoking is almost universal to this extent that almost all smoke in the first instance and only take to other forms of consumption after they have become confirmed opium takers. . . . On this point the evidence is unanimous and conclusive.

Over the five districts, half would be a moderate estimate of the proportion of those now smoking to the total number of consumers."

I believe it was suggested even as late as last year to this House that opium smoking was unknown in India. Sir, the Congress Committee Report makes other statements. It seems that the original peoples of Assam are being affected in larger numbers, and that even the labour force in Assam, which is non-Assamese, itself is being affected. I am particularly interested in one community, a very fine Assamese community, the Khasis. I see from the evidence given by the representative of the Khasis in the Assam Council, the Reverend Mr. Roy,—a definite statement is given that the Khasis, this fine race of people, is becoming infected with the opium habit. Now, Sir, these are the points to which I directed attention last year and I have brought them forward again. I do not know what attitude the Local Governments are taking towards the problem, but I hold that this ought to be a matter of supreme concern. You will never get an effective opium policy until we have a united policy for all India, and until that is done, the problem cannot be solved. In all the world there is a rising tide of opium against the non-medical use of opium and legal restrictions against such use of opium are more stringent than ever before. Does the Indian Government mean to suggest such precautions

are useless? I pointed out in a debate in this House some time ago that the habit was known in England in the early nineteenth century. We are told for example about the industrial population of the County of Leicester in a Home Office Report that these people were too poor to go to church or to indulge in alcohol, and then we are informed that "the druggist is their publican; they buy opium for themselves and laudanum for their children." That was once the condition in industrial England, but with the passage of the Pharmacy Act of 1858 opium was classified as a poison, and no one was permitted to sell it except under a strict license. Thus opium as an intoxicant disappeared from England. All civilized countries impose restrictions on the sale of opium. We sometimes assert that it is necessary to the Indian people. I was in that comparatively prosperous Indian colony of Fiji. The Government of Fiji absolutely prohibit the use of opium by any one in the Island, including Indians. Further, even when facing new problems such as come to the British Empire, action has been taken against opium. I think of the work of that great administrator Sir Hugh Murray, Lieutenant-Governor of the Australian Colony of Papua off the north-east corner of Australia. Papua is a dependency of the Australian Commonwealth, the welfare of whose indigenous inhabitants has been undertaken by the Australian people. I have just read through the labour laws of Papua. One is impressed by the fact that administration is carried on in the spirit of trusteeship. Now, Sir, among the labour laws for Papua (I have a copy here, but shall not read extracts), I was reading that the sale to the natives of three kinds of articles are prohibited, alcohol, fire-arms and opium, except under permit. The law allows a permit for alcohol, the law may allow a permit for fire-arms, but there is no provision made for a permit for opium. Furthermore the law lays down that a native may not carry, even as a transport bearer, a consignment of opium from one part of the country to another. If a European firm consigns fire-arms, a native may transport the passage, but the law prevents the carriage of opium across the island by one of these people. Surely there must be something which has made nations all over the world take this drastic action against opium. Sir, life is cheap in India, very cheap, and I can quite understand the administrator being appalled by the problems which constantly arise. But the problem of opium does not stand out singly; it is intertwined with other problems such as the extension of medical relief in this country, the raising of the standards of the people. Sir, if this Executive Government has so far failed to rule by consent of the people, at least in this matter let them act as trustees and go forward, making their plans for the suppression of this traffic in opium. We ask nothing more than permission to co-operate with the Government in laying down a policy with regard to opium that will be satisfactory to all parties concerned.

**The Honourable Sir Basil Blackett:** Sir, Dr. Datta has given us a very interesting speech; I always listen with very great interest when he talks to us about opium. He has covered a great deal of ground and I do not propose to attempt to follow him. So far as export is concerned, we shall have a debate I hope very shortly, when the Resolution which is being brought forward by the Government of India in regard to the further restriction of our exports comes forward for the approval of this House. As regards that, I think Dr. Datta was extremely ungenerous and tried to invent out of his own mind all sorts of motives for the Government of India in bringing forward an action, the reasons for which are perfectly clear. They entered into an international engagement in 1912 and a further international engagement recently, and they have the choice between

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the course they now propose and that of exercising that international engagement in a way that will bring them somewhat unpleasantly into conflict with the policy of other Governments. They felt that they would have to set themselves up to some extent as examiners of the policies of other Governments or take some arbitrary course such as a complete reduction over a period of years. It is simply because of the international engagements that we have already entered into that we feel the time has come to take this further step. I am not prepared to say that it is going to have any effect in reducing the consumption of opium in the world, and it certainly is going to have the effect of reducing very considerably the revenues of the Government of India, but that is the position and when we come to that Resolution we can no doubt deal with that. So far as internal consumption is concerned, I am in this difficulty that in every one of the provinces except Assam, opium is a transferred subject, and I believe it will very shortly be a transferred subject in Assam. Most of the observations that were made by Dr. Datta therefore are observations to be dealt with by the individual Provincial Governments in the transferred departments. Last year when the debate took place on the subject of Opium I made a statement which I think Dr. Datta has misunderstood. I said:

"The Government recently circularised the Local Governments in regard to this question. Attention was drawn to some *prima facie* evidence which has been produced by some investigators of abuses of opium in various directions and the Local Governments have been asked to re-examine the question and to consider with the Government of India by what means, whether by some special inquiry or another Committee, the problem should be dealt with, if the Local Governments come to the conclusion that there is *prima facie* evidence making it desirable to review the conclusions of the Royal Commission of 1893."

I went on to say that in my own opinion there was a good deal to be said, subject to that qualification, for an inquiry. Dr. Datta read my exact words. Now at that time, although the letters to the Local Governments had been sent out, we had not received their replies. The final reply was received at the end of last December. I have the file in front of me and there is an illuminating note on it, "Unfortunately this must now wait till April" because it is out of the question for the Government of India, with the Budget and the Session in front of them, to take up the subject. That is to say, we must take it up in April. I am bound to say, however, that the opinion of the Local Governments does not suggest that they think that there is any occasion for a new general inquiry. There is very little evidence before us which suggests that any general revision of the conclusions of the Report of the Royal Commission require reconsideration. The matter must however be examined by us as soon as we are free of the Budget Session and the Local Governments meanwhile have had their special attention drawn to the necessity for careful examination of the problem of opium in three special directions—the possibility of closer co-ordination of policy between Governments of adjacent Provinces in regard to the fixing of the sale price of opium; the necessity and possibility of taking special measures to prevent abuse where consumption is unusually high, of which definite examples have been given; and the practice of doping babies with opium. There is ample evidence to show that the Local Governments are fully alive to the whole subject. I am not however in a position to say what further steps the Government of India after consideration of these replies may decide to take; but I should say at once that

there does not seem to be any great probability of our coming to the conclusion that a new general inquiry is either desirable or necessary. The problem can much better be dealt with by the Local Governments themselves in the places where special attention is required. Dr. Datta always talks about this problem of opium as if it is a nation-wide evil in India. There are black spots here and there but the abuse of opium in India is, as I think I showed in my speech last year, very unusual. The Indian is always temperate; and though there may be a few cases where there is abuse, just as in the case of alcohol so in the case of opium, the evidence of abuse is extraordinarily small. I am quite prepared to admit that there are places in Assam where opium is a really serious evil and the Assamese Government are quite alive to that question, but we cannot I think usefully attempt to deal with the problem of an evil which is to a large extent local by the heavy machinery of an India-wide Committee or an India-wide attempt to deal with it. It is much more likely to be dealt with successfully by attention to the spots where the evil is really serious by the Local Governments that are in direct touch. The problem of course is one which has also to be considered in connection with the Report of the Taxation Inquiry Committee. Dr. Datta drew attention to the proposal that an attempt should be made to issue opium in pill form. We are experimenting with the possibilities in that direction. There are technical difficulties. I am not quite sure whether the form that it will take, if our experiments are successful, will be exactly a pill form but it will be something corresponding, and that undoubtedly would be a useful way of dealing with the problem. There is also the problem of the Malwa States. The smuggling of illicit opium from the Malwa States is mentioned constantly by all the Local Governments in their replies to the letter of the Government of India and specially those Local Governments who are neighbours of the Malwa States. I believe within a month there is to take place a special conference which one of the members of the Central Board of Revenue will be attending, to examine the position in the Malwa States with a view to seeing what steps can be taken to deal with the difficulties that have arisen there.

My general answer therefore to Dr. Datta must be that we are quite alive to the trouble, that we have every intention of following up the subject as soon as we are free of this Session of the Assembly, and that the Local Governments are themselves already actively engaged in dealing with the problem in the special places where the evil is marked, and that it is difficult in any case for the Government of India to intervene in a matter which is mainly a transferred subject in the Provinces. I trust that Dr. Datta will realise that he has served his purpose by moving this resolution and that he will be content to withdraw his motion on the understanding that we shall give full examination to the subject during the summer.

**Diwan Bahadur T. Rangachariar** (Madras City: Non-Muhammadian Urban): Sir, I will attempt to say a few things in connection with this subject. I am rather afraid the Government of India are being hustled in this matter by theorists and faddists. The Government of India have done their level best in my opinion to meet public opinion, and I do not think it is a matter which you can wipe off altogether in a day. So far as other countries are concerned, we owe a limited duty in that we cannot allow probably weak Governments to allow their subjects to abuse

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opium. Where the Government of India are satisfied that such Governments exist, the Government of India impose restrictions as regards the export of opium, and as regards other Governments, which can take care of themselves, the Government of India export opium only on a certificate. What more can the Government of India do as regards external consumption of opium? And as regards internal consumption, I recognise the duty of Government to put down all cases of abuse where it is indulged in and where it is likely to lead to trouble with or injure our own people. For that purpose I see the Assam Government have adopted recently in some areas the process of registering consumers and of restricting consumption or rather rationing the distribution. That seems to be an excellent method of bringing this vice under control. There are very many urgent things to attend to in our country. Finances are badly required. I am not one who would like to rob other people's virtues and thereby benefit ourselves at the cost of other nations. Far from it. That is not my intention. Let me not be misunderstood. At the same time, there is a limitation to our duties and in this matter and some other matters I am afraid the Government of India are yielding too rapidly to international pressure, largely due to purists and faddists. I commend the action of the Government of India as recently announced in the Council of State by Mr. McWatters. I think it was in September, 1925. I do not see what more the Government of India can do. They are doing their level best to control this vice.

**\*Diwan Bahadur M. Ramachandra Rao** (East Godavari and West Godavari *cum* Kistna: Non-Muhammadan Rural): I am surprised at the remarks made by my Honourable friend Diwan Bahadur Rangachariar. He is so thoroughly satisfied with the action of the Government on this question that he has thought it necessary to endorse all that has been said by Mr. McWatters in the Council of State. I am also deeply disappointed with the general answer which the Honourable Sir Basil Blackett has given to my friend Dr. Datta. The point that has been raised by this debate is this. The Government of India in conjunction with other Governments throughout the world have thought it necessary to enter into international engagements for the purpose of confining the use of opium to purely scientific and medical purposes.

**The Honourable Sir Basil Blackett:** No. Preventing the use of prepared opium.

**Diwan Bahadur M. Ramachandra Rao:** My friend wants to draw a distinction between prepared opium and unprepared opium. The question was discussed last year. Whether it is prepared opium or unprepared opium, the policy which international Governments have been adopting in these conferences at Geneva is that opium is one of those drugs, the uses of which must be strictly limited to scientific and medical purposes. The Honourable Member cannot at all deny that that is the position.

**The Honourable Sir Basil Blackett:** That is exactly what the Geneva Conference did not agree to.

**Diwan Bahadur M. Ramachandra Rao:** That is the position which every civilised Government has taken up in these international conferences.

\*Speech not corrected by the Honourable Member.



The Government of India were represented at these conferences and it is true that they have taken a slightly different attitude in regard to this matter. But so far as the international obligations are concerned, it is recognised that the Government of India have entered into an agreement to carry out the policy of extinguishing the export of opium to other countries. They have accepted the policy adumbrated in these world conferences that opium is a drug, the evils of which should be strictly limited in the way attempted at these world conferences. That is the position which has arisen from the policy which His Excellency the Viceroy announced the other day and which the Honourable Sir Basil Blackett has accepted as a member of the Government.

**The Honourable Sir Basil Blackett:** That statement is quite different from the statement that we have agreed that opium should not be used for anything but scientific or medical purposes.

**Diwan Bahadur M. Ramachandra Rao:** The point raised by the motion under discussion is that the Government of India should have a policy in regard to the use of opium throughout the continent of India. That policy should as far as possible approximate to the policy which has been followed in regard to other countries by the international obligations with which India is concerned. That is the point which my friend Dr. Datta has raised. What is the policy which the Government of India have in regard to internal opium throughout the country?

**The Honourable Sir Basil Blackett:** To prevent the abuse of opium.

**Diwan Bahadur M. Ramachandra Rao:** That is the distinction between the Honourable Sir Basil Blackett and ourselves. He wants to moderate the use of the drug as in the case of alcohol; but we, on the other hand, wish to follow a different policy, namely, that opium should be regarded as a dangerous drug, the use of which should be strictly limited by both legislative action and administrative action, and that is a policy which having been accepted by the action of the Government of India in regard to their . . . . .

**The Honourable Sir Basil Blackett:** It is not accepted for external policy.

**Diwan Bahadur M. Ramachandra Rao:** Then why should this export of opium be limited and extinguished? Will the Honourable Member tell us why we should not export opium to China, the Malay States and everywhere else and get as much revenue as possible?

**The Honourable Sir Basil Blackett:** Because we have entered into international agreements to try and prevent the abuse of opium.

**Diwan Bahadur M. Ramachandra Rao:** I venture to differ from my Honourable friend's interpretation, that every other country which has entered into international obligations has been trying to moderate the use of opium in those respective countries. That is not my reading of these proceedings. Whatever that may be, public opinion is in process of formation on this subject and if there is a sufficient volume of public opinion the Government of India should take steps to limit the use of opium to scientific and medical needs. I trust that that policy will be accepted by the Honourable Member. There are difficulties, I admit, in regard to the distribution of powers between the Local Governments in

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carrying out a uniform policy. It is true that the manufacture of opium is a Government of India subject, while the consumption of opium is a provincial subject and undoubtedly there are difficulties in this matter. What we desire is that there should be in this country, as in other countries, a continuous and progressive policy to put the same limitations on the use of this drug as is done in other countries. I am sorry that the Honourable Member has made no reference whatever to the very very reasonable proposals made in the Assam Inquiry Report. These are:

"(1) The sale of opium and its derivatives should be ultimately limited to the medical and scientific needs of Assam. (It is not intended that it should be immediately brought under control).

(2) Provision should be made for confirmed addicts above the age of forty, enabling them to procure a rationed amount of opium, their names being registered for that purpose.

(3) All opium addicts, who are under forty years of age should be dealt with as medical patients. Wherever opium is needed by them, it should be given only under the order of a fully qualified doctor, the medical permission to obtain it being subject to quarterly renewal.

(4) These changes should be carried out within the next five years. At the end of five years, opium should be placed on the list of poisons under a Dangerous Drugs Act, and treated as such for all inhabitants of Assam."

These recommendations are more or less in conformity with the action which has been taken by all other civilised Governments, and my Honourable friend Mr. Rangachariar says that these are the recommendations of theorists and faddists. I may say that this report has been compiled by very responsible persons. Some of them are Members of the Assam Legislative Council, well known public men like Mr. Andrews.

**Diwan Bahadur T. Rangachariar:** Government are doing their best.

**Diwan Bahadur M. Ramachandra Rao:** My Honourable friend is so completely satisfied that the Government are doing their best that it is impossible to convince him on this matter. What we are asking the Government to do is to follow a different policy.

**Diwan Bahadur T. Rangachariar:** Why don't you move the Local Governments?

**Diwan Bahadur M. Ramachandra Rao:** Well, Sir, my Honourable friend thinks that we ought to move the Local Governments. Of course the Local Governments always have an eye on their revenue and my Honourable friend would not deny that every Local Government is actuated by revenue considerations in pursuing a more forward policy either in regard to alcohol or opium. Even in that matter my friend will say, "Oh, they are all right."

**Diwan Bahadur T. Rangachariar:** I will not say that.

**Diwan Bahadur M. Ramachandra Rao:** I am glad to hear my friend will not go so far as to say that.

**Diwan Bahadur T. Rangachariar:** So far as the Government of India are concerned they are doing their level best.

**Diwan Bahadur M. Ramachandra Rao:** I am perfectly certain my friend will be a great support to the Government of India on occasions such as this. Well, Sir, I have no complaint against my Honourable friend for his view. But I have my view. I think, Sir, the time has come when the Government of India should consider the appointment of a committee to see whether a different policy in this matter should be pursued. I have no charges to make against the Government of India or the Local Governments. Their policy in the past has had its uses but the time has come when a different policy should be pursued. That is all that I am saying. If my Honourable friend thinks I am blaming the Government of India he is mistaken. All that I want to do is to persuade them to adopt a different policy, such as that advocated in this report.

**Mr. President:** The question is :

“ That the Demand under the head ‘ Opium ’ be reduced by Rs. 100.”

The Assembly divided :

#### AYES—31.

Abul Kasem, Maulvi.  
Ahmad Ali Khan, Mr.  
Ahmed, Mr. K.  
Aiyangar, Mr. K. Rama.  
Alimuzzaman Chowdhry, Khan  
Bahadur.  
Chanda, Mr. Kamini Kumar.  
Crawford, Colonel J. D.  
Das, Mr. B.  
Datta, Dr. S. K.  
Deshmukh, Mr. R. M.  
Dumasia, Mr. N. M.  
Ghazanfar Ali Khan, Raja.  
Ghose, Mr. S. C.  
Ghulam Abbas, Sayyad.  
Gidney, Lieut.-Colonel H. A. J.  
Jeelani, Haji S. A. K.

Jinnah, Mr. M. A.  
Joshi, Mr. N. M.  
Lohokare, Dr. K. G.  
Macphail, Rev. Dr. E. M.  
Mahmood Schamnad Sahib Bahadur,  
Mr.  
Muhammad Ismail, Khan Bahadur  
Sayid.  
Mutalik, Sardar V. N.  
Neogy, Mr. K. C.  
Pal, Mr. Bipin Chandra.  
Ramachandra Rao, Diwan Bahadur M.  
Reddi, Mr. K. Venkataramana.  
Sadiq Hasan, Mr. S.  
Talatauley, Mr. S. D.  
Venkatapuraju, Mr. B.  
Yakub, Maulvi Muhammad.

#### NOES—42.

Aiyer, Sir P. S. Sivaswamy.  
Akram Hussain, Prince A. M. M.  
Bajpai, Mr. R. S.  
Bhore, Mr. J. W.  
Blackett, The Honourable Sir Basil.  
Bray, Sir Denvs.  
Burdon, Mr. E.  
Calvert, Mr. H.  
Carey, Sir Willoughby.  
Clow, Mr. A. G.  
Cocke, Mr. H. G.  
Dalal, Sardar B. A.  
Donovan, Mr. J. T.  
Gordon, Mr. R. G.  
Gour, Sir Hari Singh.  
Graham, Mr. L.  
Hezlett, Mr. J.  
Hudson, Mr. W. F.  
Innes, The Honourable Sir Charles.  
Jatar, Mr. K. S.  
Lindsay, Sir Darcy.  
Lloyd, Mr. A. H.  
Makan, Khan Sahib M. E.

Mitra, The Honourable Sir Bhupendra  
Nath.  
Muddiman, The Honourable Sir  
Alexander.  
Naidu, Rao Bahadur M. C.  
Neave, Mr. E. R.  
Owens, Lieut.-Col. F. C.  
Rahman, Khan Bahadur A.  
Raj Narain, Rai Bahadur.  
Rangachariar, Diwan Bahadur T.  
Rau, Mr. P. R.  
Roffey, Mr. E. S.  
Sams, Mr. H. A.  
Sarda, Rai Sahib M. Harbilas.  
Singh, Rai Bahadur S. N.  
Stanvon, Colonel Sir Henry.  
Sykes, Mr. F. F.  
Tonkinson, Mr. H.  
Uzagar Singh Bedi, Baba.  
Vernon, Mr. H. A. B.  
Vijayarachavacharyar, Sir  
Tiruvallangadi.

The motion was negatived.

**Mr. President:** The question is:

"That a sum not exceeding Rs. 1,52,96,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1927, in respect of 'Opium'."

The motion was adopted.

#### DEMAND NO. 20—STAMPS.

**The Honourable Sir Basil Blackett:** Sir, I beg to move:

"That a sum not exceeding Rs. 1,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1927, in respect of 'Stamps'."

#### *Increase in English Charges.*

**Sir P. S. Sivaswamy Aiyer** (Madras: Nominated Non-Official): Sir, I beg to move:

"That the Demand under the head 'Stamps' be reduced by Rs. 100."

My object is simply to refer to the increase under the head of English charges in respect of Security Printing Press charges. I wish to know why the charges have increased and whether it is not possible to do away with this expenditure under the head of English charges.

**Mr. A. H. Lloyd** (Member, Central Board of Revenue): Sir, the answer to the Honourable Member's question is simple and I think will be satisfactory to him. I would in the first place point out that the budget estimate for 1926-27 refers to stores required for a full year's working, whereas in 1925-26 the factory was not completed until about the middle of the year, and naturally the amount of stores required was not so great. The principal item included in this figure is paper. The higher qualities of paper which we require for making stamps, stamp paper and so forth are not at present obtainable in India. They are not made in India. We have therefore to buy a large proportion of our requirements from the United Kingdom. There are other classes of paper in which India may possibly be able to compete now,—we certainly hope will be able to compete before very long. Indian firms will have their chance of competing under the protection of customs duty in consequence of the fact that like other Government Departments we pay customs duty on imported stores. Therefore the question of increasing the use of Indian-made paper will follow the same lines as it follows in connection with the much larger use of paper by the Department of Printing and Stationery. There is one other point I wish to make clear, and that is this, that the figure of Rs. 7,21,000 is admittedly a provisional figure. If we find that we can obtain paper more than we at present anticipate in India on suitable terms, on businesslike terms, we are prepared to contemplate the possibility of making an adjustment from this head, "H. 2(10), English Charges", to the head "H. 2(7), Stores"; and it is possible, though of course I cannot promise it, that when the revised figures for the year come on, it will be found that the English charges will be reduced and the Indian charges increased. I do not think I can say more, Sir.

**Sir P. S. Sivaswamy Aiyer:** I beg to ask leave to withdraw, Sir.

The motion was, by leave of the Assembly, withdrawn.

**Mr. President:** The question is:

"That a sum not exceeding Rs. 1,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1927, in respect of 'Stamps'."

The motion was adopted.

#### DEMAND No. 21—FOREST.

**The Honourable Sir Basil Blackett:** Sir, I beg to move:

"That a sum not exceeding Rs. 8,69,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1927, in respect of 'Forest'."

#### *Education in Forestry, etc.*

**Diwan Bahadur T. Rangachariar:** Sir, with your permission I should like to move Nos. 40 and 41 on the List to reduce the provision under the sub-head II-BB-1 by Rs. 5 and the provision under the sub-head III-B-4.—Supplies and Services, and Contingencies by Rs. 5, because they bear on the same point more or less.

**Mr. President:** The Honourable Member may move both together.

**Diwan Bahadur T. Rangachariar:** Sir, I remember very well the discussion last year on the questions which I raised. The first question I should like to have information about is the progress of Indianisation in the Forest Service. We are all aware that under the Lee Commission Report 75 per cent. of new recruits should be Indians. I am obliged to raise this question here under this Department because the Departments do not furnish departmental reports for each year showing the progress of Indianisation which has been effected by each Department. I wish, Sir, that such a wholesome practice were introduced so that along with the Budget we may have a report from each Department showing what developments have taken place under various matters of that kind, and I should like to know what progress has been made since last year, in the last 12 months, in Indianisation both in the services and also in the officers of the Institute referred to at Dehra Dun,—because I attach the greatest importance to Indians being recruited to the officers' grade in the Research Institute at Dehra Dun so that Indians may have the opportunity of acquiring technical and scientific knowledge which I find very valuable in that Institute. The other matter I wish to know about is as regards the scheme for the new college which we find provided for under capital expenditure on extending the building or rather renovating the building and converting it for the purpose of training probationers. I may at once inform the Honourable Member, Mr. Bhore, that I have seen the proceedings of the Standing Finance Committee of the 11th February, 1926, where references are made to this scheme. I see that provision is made there for training 12 officers or 12 students as probationers in that Institute per annum. That includes not only the provincial services but also the men for the States also, and the accommodation, it is stated, in the college will be for about 24 students; and I see also some calculation made of the average annual cost of each student; it comes to about Rs. 3,000 I think for each student per annum. I want to know whether it is proposed to give scholarships to enable persons who cannot afford that payment; whether it is in the mind of the Government of India to offer scholarships to deserving probationers is a matter also which I should like to know. I also want to know whether the College will be open only to people who have already been

[Diwan Bahadur T. Rangachariar.]

entertained as probationers, or it will also be open to people who seek to enter that service at their own cost and whether there are any limitations as to admission by provinces, whether particular numbers are reserved for particular provinces, and all those things. I should like to have fuller particulars of that scheme. There is one other matter which I consider of the greatest importance: I should like to know when this institution will begin to function for the purposes intended, and whether adequate provision will be made in this college for training in all the branches of the subjects they have to learn for performing their duties. Sir, it is with these purposes in view that I have made these proposals. Sir, I move the motions standing in my name.

**Mr. J. W. Bhore** (Secretary, Department of Education, Health and Lands): Sir, I had hoped that the record of this Department would be quite sufficient to prevent any charge being levelled against it of indifference to the progress of Indianisation. Ever since the Lee Commission's proposals saw the light of day we have both in the spirit and in the letter endeavoured to keep to its recommendations in regard to recruitment. Since 1924, of the 23 officers recruited to the Indian Forest Service—I exclude for the moment Bombay and Burma who are masters in their own house—16 have been Indians and 7 have been Europeans. That, Sir, I think, ought to be sufficient to convince the Honourable Member that in the matter of Indianisation we are proceeding along the lines laid down by the Lee Commission. We cannot of course get the numbers each year exactly in the proportion laid down. We shall have to level up to the percentages recommended by the Lee Commission over a period of years. Then, Sir, I come to the more restricted question of the appointment of Indians to the staff at Dehra Dun. The House will realise that opportunities for Indianisation in a strictly limited staff must of necessity be also limited, but I do contend that we have definitely kept before us this goal of Indianisation, subject to two conditions. Those conditions are these, firstly we must maintain unimpaired the standards of our work which we cannot allow to deteriorate, and secondly, we can be no party to treating inequitably or overlooking the just claims of non-Indian officers of the Indian Forest Service. Knowing the House as I do, I feel absolutely certain that these qualifications of the general rule will be accepted by the House. I may say that the number of Indians in the superior controlling staff of the Institute has increased, and I think I can best show the progress of Indianisation by taking the vacancies the permanent vacancies, which have occurred during the year and showing the House how they have been filled up. There have been, as far as my information goes, three such vacancies in the posts of Forest Economist, silviculturist and chemist. Now, the first two of these posts were originally held by European officers and their successors are also Europeans and I think I can satisfy the House that the selections made were for good and sufficient reasons. These posts, Sir, require not only a very sound knowledge of Forestry and all connected branches, but also—and this is even more important—a very wide experience of Forest administration. Now, as the House knows, that experience and that knowledge can in the present circumstances only be sought in the ranks of the Forest service. There are practically no Indians in the senior ranks of this service. It was not until 1920 that Indians entered the service in any considerable numbers and the House will realise therefore that it must

be some years before Indian officers of sufficient seniority and experience are available for selection to these special posts. But when they are, the House may rest assured that they will have their chance. The third appointment was held by Dr. Simonsen. When he went we found that the institution really needed a Biochemist and we appointed an Indian, Dr. Sen, to that post.

Now, Sir, let me come to the special experts. The House knows that it has been our policy in practice to understudy these experts with Indian assistants and so far as I know there is not the slightest reason for anticipating that we shall depart from that policy. We shall as far as possible adhere to it. But, Sir, what I do want the House to realise is this, that these special posts which deal with very highly technical subjects require not merely men with special qualifications, but what is even more important, with very wide experience, and if therefore a young assistant, after two or three years as understudy, is still not found fully qualified to assume the headship and direction of these highly technical and specialised branches without further training, the House must not assume that we are departing from our policy. I think, Sir, so far as Indianisation is concerned, I have shown definitely what the policy of Government is, what we are doing and what we propose to do to carry it into effect.

Now, Sir, I come to the question of the new college and I am glad that my Honourable friend has given me the opportunity of saying something about this new institution, which we hope to inaugurate before the end of this year. Let me take the House back to the Resolution of 1922 which recommended that Indian Forest probationers should in future be trained at Dehra Dun as soon as facilities could be provided. I may say that we have done our very best to bring that scheme to fruition and I am glad to say that it is now complete. I hope very shortly to make available for publication full details in regard to the college, in regard to the condition of entry, the courses of study, the rates of fees, the facilities for accommodation, etc. As I shall make public, I hope, very shortly complete information on all points, I shall content myself now with a brief indication of the scope of the institution and shall also reply incidentally to one or two questions which my Honourable friend has put. Sir, we hope that this new institution will be a centre of instruction in the science of tropical forestry and its connected branches, which will be second to none in the world. With the magnificent Forest Research Institute at its doors, this institution will be in the position of being able to make its courses of instruction unique. We are also now, Sir, reaping the reward of many devoted years of service on the part of the Forest Department and we have now available in India the results of scientific forestry under tropical and sub-tropical conditions, which, I think, can not be equalled, and certainly can not be surpassed in any tropical country in the world. (Applause.) Now, Sir, working under these favourable conditions and with these advantages, we propose to see that our standards of instruction and of examination will be such that the diploma of this college will be regarded as the hall-mark of the highest efficiency in scientific Forestry.

Turning now to the questions of my Honourable friend, we hope, Sir, to open these courses in November. As regards the expenditure the only capital expenditure that will be necessary will be in order to render the existing accommodation suitable for the type and class of students whom we may reasonably expect to get. We do not anticipate that this will exceed Rs. 1,89,000 and provision for this amount has been made in the coming

[Mr. J. W. Bhore.]

year. As regards the recurring expenditure, it is a little difficult to estimate with any exactness what the extra cost on this account will be. But I think I may say generally that if certain readjustments and rearrangements of staff under the Government of India, which are now under examination, are carried out, that the new institution should cost very little, if anything, over and above the actual recurring expenditure which is now being incurred.

Then, Sir, I come to the question of the classes of students who will be admitted. The college will be open first of all to Indian Forest probationers; it will also be open to private students, and to students sent either by Indian States or by Provincial Governments. We look forward to the time when this college will attract to itself students from all parts of the world interested in tropical forestry. My Honourable friend has referred to the cost of training. The cost as estimated is certainly somewhat high. We estimate it at Rs. 2,400 a year. But it must be remembered, Sir, that we are going to give a training which will be equal to that normally obtainable in any forestry school in Europe, and that being so, we cannot do it cheaper. But Rs. 2,400 includes not merely charge for tuition, it includes charges for accommodation, for light, water and certain other services; and taking into account the fact that the present charge for Rangers' courses at Dehra Dun is Rs. 1,500 and that for provincial forest men is Rs. 1,750, if we exclude Rs. 300 which is the rent for the rooms that these students will occupy, I do not think that the balance of Rs. 2,100 is excessive. Sir, I think I have now

1 P.M.

covered most of the points raised by my Honourable friend. As I have already said I propose to publish very full information on all points connected with the new institution, either in the form of a Resolution or in some other form which will be made available to the public.

**Diwan Bahadur T. Rangachariar:** Sir, I beg to withdraw my amendment.

The motion was, by leave of the Assembly, withdrawn.

**Mr. President:** The question is:

"That a sum not exceeding Rs. 8,69,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1927, in respect of 'Forest'."

The motion was adopted.

**DEMAND NO. 22.—IRRIGATION (INCLUDING WORKING EXPENSES), NAVIGATION, EMBANKMENT AND DRAINAGE WORKS.**

**The Honourable Sir Basil Blackett:** Sir, I beg to move:

"That a sum not exceeding Rs. 14,74,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1927, in respect of 'Irrigation, Navigation, Embankment and Drainage Works'."

*Prevention of Floods and Famine.*

**Mr. B. Das (Orissa Division: Non-Muhammadian):** Sir, I beg to move:

"That the Demand under the head 'Irrigation, Navigation, Embankment and Drainage Works' be reduced by Rs. 100."



Sir, in countries which have got their own national Government, irrigation, navigation, embankment and drainage works prevent floods and famines. Unfortunately, owing to the system of Government that we have under the management of the Treasury Benches opposite, these very heads are responsible for floods and famines in India. It is really an irony of fate that these heads should cause floods and famines in India. Sir, in the September Session of 1924, I had the privilege to move a Resolution in this House drawing the attention of Government to the serious effects of floods in causing distress all over India owing to impediments of irrigation and railway embankments. At that time, the then Industries Member, Sir Atul Chandra Chatterjee, and also the Chief Commissioner for Railways, Sir Clement Hindley, assured the House that they would make inquiries and find out how this irrigation, railway embankments and other embankments are causing distress, floods and famines in the country and how the causes of floods could be prevented.

**The Honourable Sir Bhupendra Nath Mitra** (Member for Industries and Labour): On a point of order, Sir, I want to know how the remarks which the Honourable Member is making affect the grant which we are now discussing. Apparently he wants to raise a question of policy.

**Mr. B. Das:** Sir, my motion slightly touches the question of policy, but I am just trying to put the grievances of the country before the House. Since then, Sir, I and my friend Mr. Gaya Prasad Singh asked a few questions on the floor of the House as to the nature of the inquiry that the Government of India had made and also the replies received from various Provincial Governments. It appeared from one of the answers which the Honourable the Industries Member gave that only one Provincial Government thought it fit to communicate with the Government of India on this subject. The other Local Governments, secure as they are in their bureaucratic positions, did not bother about writing to the Government of India. They did not think it fit to write to the Government of India as to what are the causes of famines and floods in their provinces and whether there is a need for an inquiry in the country, and whether there is need for co-ordination of work amongst the different Provincial Governments to prevent these floods and famines.

Sir, I am particularly strengthened in my purpose in bringing this subject again before this House because of the recent action taken by the Government of India in appointing a Royal Commission on Agriculture. Sir, agriculture is a transferred subject and all the money realized on account of land revenue goes to the provinces. Yet the Government of India communicated with the different Provincial Governments with a view to improving the condition of agriculturists. Of course, we do not know the replies that the Provincial Governments gave to the Government of India in the matter of the appointment of this Agricultural Commission. It is a pity, Sir, that the subject which I am raising now does not form part of the terms of reference of the Royal Commission on Agriculture. Sir, I do not want to touch upon other points,—the grievances of agriculturists that might have been included in that inquiry,—namely, the system of land revenue and the assessment which the agriculturist pays. But what the teeming millions of India suffer most from is the distress due to the floods, which have been a recurring phenomena due to irrigation, railway and road embankments with which the country is intersected.

[Mr. B. Das.]

Sir, I will just illustrate the distress of the people by referring to my own province, namely, the Province of Orissa. Floods are of regular occurrence in my province. They come every year and, as famine is always the natural effect of floods, the people of Orissa are always suffering from famine. They are always in distress. Those who have watched the newspapers this year ought to know how passionately Mr. C. F. Andrews and other leaders appealed on behalf of the suffering people of Orissa owing to the severe distress that has been caused there. This distress in Orissa is not due to the irrigation and embankments, although in one part of a district—Cuttack District—it was due to that. In the District of Puri it was due to the bad system of drainage that had been provided. I say that it is one of the duties of the Imperial Government as well as of the Provincial Governments to provide proper drainage for the waterways of India so that the water collected during the rainy season may find an outlet to the sea and thus enable the cultivators to reap a good harvest. But the policy both of the Central and Provincial Governments is to collect taxes, whether they are from land cess or customs or the hateful excise and to spend them. Have they ever thought of improving the condition of the masses? It may be contended that Irrigation is a transferred subject, but it is a fact also that it is a subject on the reserved side of the Provincial Governments. What are the steps taken by Provincial Governments for the improvement of the conditions of the people? They collect their irrigation cesses. They collect other taxes too. Talking of my own province, the Government of Bihar and Orissa just collects 40 per cent. of its revenue, 2 crores out of a revenue of 5 crores from excise duty alone. What do they care if the people suffer and die? The people can drink more drugs and provide more money for the Government to spend. So it cannot be contended from the Government side that the Provincial Governments ought to be held responsible for preventing the progress of floods and famine in the provinces. It is the Central Government that ought to insist on the Provincial Governments giving their views on this vital issue.

I remember, in 1925 January, I asked a question on this matter and my Honourable friend, Sir Bhupendra Nath Mitra, said that the Government of India have got several technical experts who are quite capable of giving advice to the Government of India and to the Provincial Governments on this vital matter. I do not know who they are. I have never seen in any agricultural journals or in any Government publications the valuable expert work they have done, the research they have carried out, to provide India with proper drainage of the waterways of India, and whether they have written any thesis how to prevent floods and famines in India. It is no use saying that the provinces are responsible for these floods. There may be a time when, owing to Providence, there are heavy downpours of rain, but the cause of floods and famines all over India is the lack of proper and adequate drainage outlets for nature's waterways. I ask you, what is your policy? Whenever you want, you thrust on us Royal Commissions and Committees which we never want. We have never wanted a Royal Commission on Agriculture so limited in its purpose and so narrow in its scope of inquiry and which will be just an academic inquiry, doing no work to bring no relief to the masses. If you really want to do good to the people, which you at times profess—you may laugh at us now because the House on this side is empty and we cannot

enforce our will on you, you may not reply to these vital questions on the floor of the House,—but if you really think as the executive of the Government you are spending the tax-payer's money and do look after the taxpayers' interests, it is your primary duty to look to the welfare of the masses, the teeming millions of India who are agriculturists. What have you done to prevent floods, famine and the effects of these famines and floods namely, cholera, malaria and other epidemic scourges. You have done nothing; still you may shirk your responsibilities and say that it is the work of the Provincial Governments and not the work of the Royal Commission on Agriculture. You may say that no Commission or Committee can be appointed to make an expert inquiry as to how floods can be prevented. I recollect Sir Atul Chandra Chatterjee at Simla said that it will take 25 years to make an inquiry and an expert committee is not necessary, but Government will do their very best to find out how they can take any action to prevent floods. I ask the Government of India to tell us on the floor of this House what they have done. It is no use shirking responsibility and laying the blame on one department or one Provincial Government or the other. You have not transferred any authority to the Provincial Governments, and what after all are these Provincial Governments? If there were provincial autonomy in the provinces which would enable the local Legislative Councils to enforce their will on those Governments it would be a different thing. But it is the Central Government who are pulling the wires from here. You are tutoring Provincial Governments and they are nothing but handmaids of the Central Government who are collecting as many taxes as they can and spending the money just as they like.

I appeal to the Honourable Sir Bhupendra Nath Mitra. I am glad, Sir, that I will receive a reply from the mouth of an Indian who may have visited the masses in the villages—if the arduous work which he has done throughout his life may have allowed him time to visit these villages. As a Bengali he knows how the people are thin and lean in his province, how malaria has wrecked the people of Bengal. It is because there is no proper drainage outlet provided for rain water in Bengal. Bengal is always water-logged and she suffers acutely from malaria. He may remember the floods that happened in northern Bengal a few years ago, when the Brahmaputra Valley was flooded. I refer to the Khulna floods and the distress of the people in consequence of those floods. I hope before he rises he will picture in his mind those malaria-stricken Bengalis who are dying in thousands. If he has visited my part of the province he knows how the people are starving and dying like rats owing to the effect of floods and consequent epidemics. I hope he will reply from that point of view with sympathy and not in the mighty tone of a great bureaucrat, sitting on the Treasury Bench, whence he can very well say "You be damned".

**The Honourable Sir Bhupendra Nath Mitra:** Sir, I am rather amused to find that my Honourable friend, Mr. B. Das, has made the vote for this grant, which really relates to the North-West Frontier Province and certain other tracts under the direct control of the Government of India, a peg on which to hang his beautiful dissertation. Now, Sir, he began by saying that these floods are special to India. My recollection is that only a few months back England and the whole of North Europe was flooded and badly flooded.

**Mr. B. Das:** But there is no famine in England.

**The Honourable Sir Bhupendra Nath Mitra:** I am not sure of what the Honourable Member means when he talks of famine unless he is referring to famine supervening a flood. Otherwise, our activities in the Irrigation Department in the matter of building canals have been so successful that we have practically had no big famine for the last five or six years. I fail to understand the Honourable Member's reference to famine, unless he is referring to the famine which is said to have occurred in Orissa as the result of floods.

The Honourable Member then referred to a debate which took place on the floor of this House on the 24th September, 1924; and in that connection he insinuated that if the absent Members were here, the Government might have fared badly on the present occasion. Let me see how the Government fared on that occasion. It was a full debate in which Sir Clement Hindley explained the position at length; and thereafter I find a speech from my friend, Diwan Bahadur Ramachandra Rao. I shall quote a little from that:

"In regard to the first of these departments (that is the Public Works Department), I believe it is clear that irrigation is a provincial subject, and to the extent that floods are caused by deficiency of proper drainage arrangements, this matter is within the sphere of the local administrations, but to the extent to which floods are caused by defects of railway embankments, it seems to me that it is essentially the duty of the Government of India to take measures to prevent them."

The Resolution was eventually withdrawn.

All that my predecessor said on that occasion was this:

"I would add this much, that we shall communicate with Local Governments."

He did not say: "We shall have a committee or a consultation with the Local Governments". He went on to say:

"We do not disclaim responsibility for any damage that may have been occasioned by railway embankments. If we suggest that the Local Government should first move in the matter, it is not in order to disclaim responsibility on the part of the Government of India in cases where damage has been occasioned by railways."

Further on, he said:

"I think we have given enough assurances to satisfy the House that the matter is receiving the attention of the Government and will continue to engage the attention of the Central Government in consultation with Provincial Governments."

That is all he said and from the portion of his speech which I have quoted it is clear he referred particularly to railway embankments.

**Mr. B. Das:** And also to irrigation.

**The Honourable Sir Bhupendra Nath Mitra:** I am not sure about irrigation; I cannot find it there. Will my Honourable friend kindly quote what Sir Atul Chatterjee said as regards irrigation? As my Honourable friend Mr. Ramachandra Rao admitted on that occasion, so far as irrigation is concerned, it is the concern of the Local Governments.

**Diwan Bahadur M. Ramachandra Rao:** Under the control of the Government of India.

**The Honourable Sir Bhupendra Nath Mitra:** That is perfectly true, but it is primarily the concern of the Local Governments. The Government of India wrote round to the Provincial Governments; and as I have already informed my Honourable friend Mr. B. Das on the floor of this House, they

told the Provincial Governments that while flood protection and prevention were primarily provincial matters, the Government of India were prepared, in view of the importance of the subject, to assist the Local Governments to the utmost extent of their powers, firstly wherever there was reason to believe that excessive floods were due to central works on the railways, secondly where assistance was required to obtain co-ordination between a railway and the local authorities or between two provinces, and thirdly in any case where technical advice was required which was not available locally. Now, Sir, up to now we have received no request for assistance from Local Governments, though we know that in the case of certain railway embankments which may have facilitated floods, the matter has been settled by the Local Government in direct consultation with the railway authorities. On several occasions on the floor of this House, either my predecessor or myself or probably Sir Charles Innes has given instances where, in connection with railway embankments, additional waterways have been constructed with reference to complaints received from Provincial Governments. Anyhow, this is not a vote on which I can discuss the question of railway embankments. I am concerned here with irrigation embankments; and, as I have said, that is essentially a provincial matter, and if any Provincial Government wants our help, we have already told them that that assistance will be given. Now, the Honourable Member referred to Orissa. I wonder if the Honourable Member has read the very full debate which took place in the Bihar and Orissa Council in connection with the floods in Orissa. So far as I can make out, those floods had no connection with irrigation embankments.

**Mr. B. Das:** But they had to provide waterways.

**The Honourable Sir Bhupendra Nath Mitra:** I am coming to that; I believe they are taking action to provide drainage works, and according to them they have always taken that action.

**Mr. B. Das:** May I point out that the Bihar Government provided two lakhs of rupees after 20 or 30 years of agitation, and after the mouth of the Chilka Lake silted up. It has been the subject of agitation by the people of Orissa for years and years.

**The Honourable Sir Bhupendra Nath Mitra:** I cannot here discuss what happened in Orissa because that is essentially a matter for the Legislative Council of Bihar and Orissa and the matter was very fully discussed in that Council. In fact, the speech of the Honourable Mr. Hammond in that connection brings out very clearly the fact that these floods in Orissa are not matters of recent occurrence; they have occurred even from the early days of the British occupation, and probably long before that. Apparently, engineers—as well qualified probably as my friend Mr. Das—took certain action to relieve the situation. They constructed what are known as flood embankments; but these flood embankments often have the opposite effect to that wanted and they lead to the silting up of the river and the formation of sand bars at the mouth of the river. Anyhow, it seems that in 1902 the Local Government had the matter further examined by a committee of engineers. I may mention that throughout I am giving the information which I have been able to glean from the speeches in the debate in the Bihar and Orissa Council in which their policy is fully explained. Apparently it may be possible to some extent to relieve the situation by getting rid of the present embankments. They are not

[Sir Bhupendra Nath Mitra.]

road embankments, or canal embankments; they are flood embankments. But the result would be immediate danger and therefore the Local Government cannot do that immediately. Anyhow it is not a matter which is in any way connected with this particular grant or a matter in which the Central Government can intervene at this stage.

**Mr. B. Das:** May I just ask the Honourable Member why he cannot include it in the terms of reference of the Agricultural Commission if he cannot appoint a special committee to inquire into the causes of floods in India?

**The Honourable Sir Bhupendra Nath Mitra:** How does that, Sir, arise in connection with the present Demand? If the Honourable Member wants to raise that question he will be able to debate it when we are discussing the vote for the Royal Commission on Agriculture.

**Mr. B. Das:** Is that all the sympathy we get from that side of the House?

**The Honourable Sir Bhupendra Nath Mitra:** I submit, Sir, it is the more businesslike way. When we are discussing the irrigation grant how can we drag in all sorts of things?

**Mr. President:** The question is:

"That the Demand under the head 'Irrigation, Navigation, Embankment and Drainage Works' be reduced by Rs. 100."

The motion was negatived.

**Mr. President:** The question is:

"That a sum not exceeding Rs. 14,74,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1927, in respect of 'Irrigation, Navigation, Embankment and Drainage Works'."

The motion was adopted.

#### DEMAND NO. 23.—INDIAN POSTAL AND TELEGRAPH DEPARTMENT.

**The Honourable Sir Basil Blackett:** Sir, I beg to move:

"That a sum not exceeding Rs. 10,29,48,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1927, in respect of the 'Indian Postal and Telegraph Department'."

#### *Reduction of Postal Rates.*

**Mr. K. Rama Aiyangar** (Madura and Ramnad cum Tinnevely: Non-Muhammadian Rural): Sir, I beg to move:

"That the Demand under the head 'Indian Postal and Telegraph Department' be reduced by Rs. 50,00,000."

Sir, this relates to one of the very important subjects which occupied the attention of the House on the 9th of February last. In fact the question was mainly raised for the reduction of postal rates for postcards and letters. The present motion that I have moved I propose to deal with in detail so that I can prove to the satisfaction of the House that the recommendation that I make is quite feasible and there cannot be any difficulty in carrying it out. I therefore want Honourable Members closely to follow what I

place before the House so that the important reform, the reduction in taxation that I propose to carry out, may not be in any way interfered with by any want of attention on the part of the House. I know the Honourable Sir Basil Blackett in his budget speech has devoted a long paragraph and more to this subject. Apparently that was meant to deal with the subject as the opinion of the House was found to be very much in favour of reducing taxation. It is therefore all the more important that he and the Honourable Member in charge of the Department should take full note of the feeling of the House and also see if there is really any difficulty in carrying out the recommendation that I make. I will at once say, Sir, I am placing this recommendation before the House without giving the least chance of any argument being put forward by the other side that the provision being for immediate use next year it cannot be cut for one reason or another. Honourable Members will see if they turn to page 11 of the Posts and Telegraphs Budget that the actuals for the year 1924-25 amounted to 941 lakhs. That is there at page 11. The revised estimate for 1925-26, that is, the current year, is put there at 996 lakhs, and the estimate for next year is put at 1,067 lakhs. What I want to put first before the House is that the proposed provision is 126 lakhs more than the actuals of 1924-25 and is 72 lakhs more than the revised estimate for the current year; so that Honourable Members will see that when I want 50 lakhs to be cut out it will not affect at all the administration in any way. It is the extra provision that is sought to be made that I seek to cut out, and even there I allow 22 lakhs extra for certain provisions which have been passed by the Standing Finance Committee at the instance of the Department. In fact, certain revisions in establishment, in the scale of allowances and also in the conveniences to be provided for the menial staff—have all been considered by that Committee and in this present motion that I place before the House I make sufficient allowance for all that provision being made. So that, *prima facie*, Honourable Members will see that this 50 lakhs is only extra provision made for expenditure next year over and above, as I say, the necessary things which have been accepted by the Standing Finance Committee; so nothing will be lost, no difficulty will be caused to the Department, if this 50 lakhs is cut out. But at the same time I must also point out that if you refer to the recommendations of the Retrenchment Committee, you find that inclusive of interest, which was then charged at 66 lakhs.—now it is taken as 57 lakhs for next year—in spite of that the total expenditure for the Department which they recommended was 882 lakhs. So that compared with what was recommended by the Retrenchment Committee we have got already in 1924-25, an extra expenditure of about 60 lakhs, and there is over the actuals of 1924-25 another 126 lakhs provided for next year. So that Honourable Members will see that there too there is a much wider scope than the 50 lakhs cut that I am asking for. This is only roughly placing the case before the House. But if you go into a little more detail it will be very easy to understand that this is what must be effected, the least that must be effected, in the course of the next year on the recommendations which are receiving consideration at the hands of the Government. I refer to the recommendations of the Departmental Committee which was appointed last year—I mean the Ryan Committee. After the question was mooted in the Public Accounts Committee a special departmental committee was appointed. The members of the Committee were not ordinary persons who have not worked in the Department. The present



[Mr. K. Rama Aiyangar.]

Director General of Posts and Telegraphs, I mean Mr. Roy, who is unfortunately not here to-day, was one of the members of that Committee and the Financial Commissioner for the Posts and Telegraph Department was also one of the members of that Committee, and another experienced officer also. That Committee recommended, as Honourable Members will see at page 67 of that Committee's Report, practically in the course of that year a 21·21 lakhs cut in terms of rupees, annas, pies. That is what they say under five heads (a), (b), (c), (d), and (e).

	Rs.
(a) By merging the Railway Mail Service circles in those of certain Postmasters General	31,000
(b) By substituting a cheaper class of Railway Mail Service sorters	7,70,000
(c) By revising the ratio of general to station service telegraphists	11,30,000
(d) By substituting clerical for telegraphist staff for the execution of certain duties	1,40,000
(e) By undertaking the departmental charge of ordinary repairs and maintenance of buildings	50,000
Total	21,21,000

So that the total cut as I said specifically mentioned amounted to Rs. 21,21,000. Besides this, Sir, they say:

"While this annual saving, of the order of 20 lakhs of rupees, alone may turn the balance between profit and loss in the accounts of the department, much more would be saved by the adoption of the Committee's further recommendations, to which however not even approximate figures can readily be attached, under such heads as

(f) a revision of the cadre of Superintendents of Post Offices on the basis of a review of their territorial charges;

(g) the further replacement of departmental telegraph offices by combined offices;

(h) a revision of staff on the basis of a more reasonable standard of output by telegraphists;

(i) a revision of the conditions which at present make for an excessive absenteeism, as a result of which the department bears heavy charges for staff who produce no results."

These are the four heads under which they have recommended reforms without making actual calculations of the effect of those reforms. Sir, I have taken some trouble to calculate the effect of these recommendations and come to some conclusion as to what the amount saved will be. I will give it to the Department to examine, but I have no doubt, Sir, that this will be the amount they will arrive at on making the calculation. I find that one of these recommendations refers to further replacement of departmental telegraph offices by combined offices. I find that 4 telegraphists will be the average for about 90 offices that might be so converted and the amount that is available like that is about Rs. 4,82,000, to which must be added the leave reserve and the allowances, and the total of all this comes to about 7 lakhs per annum. Then according as you remove the number of telegraphists to the other grade they come under Post office supervision and therefore telegraph masters who are counted as 1 for every 9 telegraphists will have to be shifted to other appointments and the amount of that comes to about 47 telegraph masters at average rate of Rs. 350, which works out for the whole, inclusive of allowances, house rent, etc., to about 2 lakhs; so that in all about 8 lakhs will be the saving under that head. Then the second calculation comes up on the revision



of staff on the basis of a more reasonable standard of output by telegraphists. The improved mechanism available in the Telegraph Department has enabled this expert committee to recommend a rate of 47,000 operations per telegraphist as against 42,000 which was taken as the standard by the Retrenchment Committee. This 47,000 rate has not, I understand, been conformed to by the Government. I do not know why. When that expert committee makes the recommendation it ought to have been followed without any difficulty by the Government of India. Apparently expertness follows the position and the Government have chosen to accept only 45,000 operations as feasible. I am not at all able to follow the reasoning which enabled the Government of India to go behind the recommendations of the committee; but even taking it at that I find that there are about 240 more telegraphists in the department than are necessary for the total number of operations that are being performed by the Department according to the figures of 1924-25, and that year was one of the prosperous years when we had everywhere much better income than was anticipated. 240 telegraphists according to the average pay including in it the telegraph masters who will be unnecessary and all incidental expenses cost 7 lakhs on the calculations I have made. There is one other item, item No. 1 which refers to the revision of the cadre of Superintendents of Post Offices. I find this matter is discussed in paragraph 47 of the Report and taking the numbers referred to in that paragraph I find that it will be possible to reduce the number of Superintendents by readjustment because the head station post masters are asked to supervise the local area and the consequent effect will be that there will be a 33 per cent. reduction of the total number of Superintendents. The recommendation has, I think, practically been accepted by the Government also. They are trying to give effect to it. According to my calculation it will come to Rs. 2½ lakhs for the pay of 33 per cent. of the staff together with allowances and other contingencies, which will work up to 3 lakhs. So that, the recommendations of the Ryan Committee enable us to cut out in the course of next year about 39 lakhs. Government have, in their reply to my interpellation on the 28th January, 1926, printed in Volume 7, No. 6, on pages 411 to 415, given details of the recommendations to which effect has been given so far, the objections raised and so on; and they say that consideration is being given to all the various subjects. The Honourable Mr. Roy was one of the members of the Committee. The Financial Commissioner is there—Mr. Sams also. If you take the minority report of Mr. Roy, the expenditure will have to be reduced much more. I will refer to that in connection with other motions. So far as this motion is concerned I am prepared to take the recommendations of the majority and on that, as I said, it works out to 39 lakhs of rupees, which must be the reduction which the Government will be able to give effect to in the course of the year.

I will only place two other matters before the House for its consideration. Honourable Members will find on page 11 there is a provision made for interest charges and there is a provision made for depreciation. The provision made for depreciation is 33 lakhs or 32.91 to be more accurate. Then we take 33 lakhs as the amount provided for depreciation. Then for interest the amount provided is 57 lakhs, though it was 68 lakhs in 1924-25. It is only 49 in the revised estimate and next year it is put at 57 lakhs. I submit that here a clear point has to be made. There is another matter that I shall refer to. It is a great injustice that the money

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available for the Post and Telegraph Department should be diverted or frittered away and people made to pay extra charges for various heads. It may be argued that there is no money for the Postal Department and that therefore extra taxation should be put on. That being so, I would refer to the Revenue and Finance Accounts of the Government of India for 1924-25. We find there an abstract account of the capital outlay in the Post and Telegraph Department up to the end of 1925. Honourable Members will see that the total of the capital that has been sunk on the Department works out to 23 crores 71 lakhs but the capital outlay charged to revenue accounts is 20 crores 31 lakhs and the actual outlay not charged to revenue is only 340 lakhs. Even if you take the interest on 340 lakhs at 5½ per cent., which is the highest interest at which money is borrowed—it may in the present circumstances even be less in the circumstances mentioned by the Finance Member in his budget speech—the amount will be not more than 18 lakhs but the amount we take from the Postal and Telegraph Department is 57 lakhs. I submit there is 39 lakhs more which ought not to be taken. Of course for book purposes it may be argued that 23 crores must be taken to be money for which interest must be taken out of the Department. First of all there is the fallacy there that the previous expenditure was from revenue of the department.

**The Honourable Sir Basil Blackett:** Not from revenue of the department. From revenue.

**Mr. K. Rama Aiyangar:** It may be that this is wrongly printed. Certainly I will hear the other side. But whatever it is they should not charge over and over again for money expended from the revenues and for which a depreciation fund is being provided according to the present rules. I will come to that presently. Then the total outlay is 23 crores 71 lakhs. The capital outlay not charged to revenue is 340 lakhs. I think I have mentioned it on other occasions but unfortunately I was not able to place my hand on the particular page of the revenue and finance accounts. I submit, Sir, that more than 18 lakhs could not in any event be charged to this Department for purposes of interest. Therefore, I say that to the 39 lakhs which I have referred to you should add this 39 lakhs, which is interest wrongly charged to the funds. I will submit to the House that even if you allow something for adjustment you can take 20 lakhs as an extraordinarily unnecessary provision taken from the Postal and Telegraph Department revenues for the general revenues. If it is commercial accounts, do not take it away from there. Keep it as a separate account for the Posts and Telegraphs; otherwise only charge the interest that ought to be charged on expenditure to capital not from revenue. And the other point I mention is this, Sir, that while the total amount that is invested is 23 crores we find a depreciation fund is provided of 33 lakhs. Here again the provision is too much, because as I have calculated it I find the buildings portion of this 23 crores is, for telegraph buildings 206 lakhs and for post office buildings 199 or 200 lakhs; or a total of 406 lakhs. And the usual life given for buildings is 200 years in the railway accounts. I do not know what they propose to take here, but whatever it is the provision will be very small for that; and for the telegraph lines and other things it should not be much; I mean for the buildings it will be only about 2 lakhs. (*An Honourable Member:* "But you have not got a majority.") I always believe that whether there is a majority or no majority the Government always takes note of all arguments. (Applause.) That is the

spirit in which I have been working here for the last three years. (*An Honourable Member*: "You may be disappointed.") If I am disappointed I am not to blame.

**Mr. President**: I do not wish to interrupt the Honourable Member but he has taken more than 25 minutes and I should like to know how long he is going to continue still.

**Mr. K. Rama Aiyangar**: I thought there is no time limit, Sir. (*An Honourable Member*: "There is a time limit for Lunch.")

**Mr. President**: Does the Honourable Member wish to continue now or after Lunch?

**Mr. K. Rama Aiyangar**: I would prefer to go on after Lunch.

The Assembly then adjourned for Lunch till Five Minutes to Three of the Clock.

The Assembly re-assembled after Lunch at Five Minutes to Three of the Clock, Mr. President in the Chair.

**Mr. President**: Mr. Rama Aiyangar.

**Mr. K. Rama Aiyangar**: Sir, I was dealing with the interest charge on capital, and as I said, the revenue and finance accounts of 1924-25 disclose that only 340 lakhs of the capital were capital not charged to revenue, the remaining 20 crores were capital charged to revenue. However it is not the full interest on the whole capital that can come up only to 57 lakhs—the provision made is only 57 lakhs. As I said, the interest at  $5\frac{1}{2}$  per cent. on the 340 lakhs will work out at about 18 lakhs. The remaining 39 lakhs is interest charged apparently on some principle adopted by the Finance Department. What I submit, Sir, is that if we adopted the principle even that was adopted in connection with Railways for capital expenditure sunk on Railways, we could charge at the highest only about one per cent. of the capital at charge. This is only a suggestion of a compromise that I suggest, but properly speaking, in the interests of the tax-payer of the country, when you make a provision in revenue capital for a depreciation fund, you ought not to take one per cent. more on that for interest to go to general revenues, because the departmental revenue was gradually spent on the capital works, and to the extent of 20 crores it had been so spent.

**The Honourable Sir Basil Blackett**: Not the departmental revenue: the Government's revenue.

**Mr. K. Rama Aiyangar**: It was Government revenue because whatever balance was in the Department went to the Government. I quite understand, but let us do it the other way. Suppose the whole of the general balances of the country were spent towards this, even then the tax-payer ought not to be charged again. But the argument will be brought forward. "We are commercializing the Department and, therefore, if the general revenues had really contributed, you must take away interest from this Department". I say then that the question will have to be gone into as to how much of this is actually taken out of the Postal and Telegraph revenues and how much from other places. But the proper view to take of it is, if you take a block account like that, in view of

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the reasonable way which the Government pressed on this Assembly to adopt one per cent. as the reasonable rate to be charged to general revenues on capital taken for purposes of the construction of Indian Railways, the same principle may be adopted here as a policy that might be agreeable to both sides of the House. If you take that, Sir, you will get only about 20 lakhs to be added to the 18 lakhs which has to be paid on the 340 lakhs. That will therefore leave a clear balance of about 18 lakhs which must be available for the Postal and Telegraph Department,—not to be taken away from it. But the question will be raised, Sir, that if it is taken away from this Department, somehow the general revenues will have to diminish and therefore the total balance cannot be upheld after the Budget was presented. But there are various matters to discuss in connection with that and I do not propose to do it in detail. That is a matter for the Finance Department, and when we go into the question of the reduction or avoidance of debt and also the question of the Finance Bill, that will have to be taken up; but this is a commercialized Department at present, and it will not therefore be proper to go into that question. Whatever it is, you cannot charge any interest on this, but if you do, do it on some equitable principle as was adopted in the case of Railways, and that will relieve no less than 18 lakhs.

**Sir P. S. Sivaswamy Aiyer** (Madras: Nominated Non-Official): The capital was not borrowed.

**Mr. K. Rama Aiyangar:** It was spent out of revenue expenditure. The only conflict between the views presented is that it might be contended that the general revenues of the country were spent on that, not the balance of the Postal and Telegraph Department alone. That is a matter to be proved by the other side, but the Postal and Telegraph capital account is now put before the country, and this revenue and finance account shows that it is from the revenues of that Department that we should deduct it because it is taken to that head and the account is prepared on that basis, and therefore it must be taken as money spent from revenues. Thus so much of the capital in any event ought not to be charged to the total or even half of the interest that might be charged in the case of borrowed capital. If it was so, 18 lakhs would be realized. Then there are two other points, as I mentioned already, Sir, the question relating to the depreciation fund and the question relating to the expenditure charged to revenue for capital expenditure. Honourable Members will see on page 11 two entries. The provision for depreciation of wasting assets is given as 32.91 lakhs, which is 33 lakhs practically, and they will find at the end the amount transferred from capital outlay not charged to revenue is 20.02 lakhs. The account does not clearly show if these 20 lakhs are taken from the 32 lakhs depreciation fund, or whether it is a separate provision from revenue. I take it, Sir, that I am right in saying that it happens to be a separate provision. It is not deducted from the depreciation fund as it is, and it is deducted as "transferred to revenue from capital" at the end, that is at page 11. It may be taken either way. If it is taken out of the depreciation fund, even then the provision need not now be immediately spent next year, or it might be so adjusted that these 50 lakhs are spent for the Department which has provided, as I said, 126 lakhs extra over the actuals of 1924-25. The other point that I raised is the question of this depreciation fund being calculated on some hypotheses. I do not think this Assembly ever approved of the rules of depreciation of

this Department. In the case of the Railway Department the Railway Finance Committee had the rules placed before it, and there the life of the buildings and other assets is taken at a certain rate; so much so that the other day Mr. Rangachariar said that it might give undue relief to revenue, but even if all the views are adjusted, the total quantity for buildings recently put up alone ought to be taken as depreciation fund for this purpose, because we are charging interest also and we are providing large amounts for capital expenditure from revenue. My submission is that the depreciation fund for it ought not to be over 25 lakhs in any event. The 7 lakhs extra is too much. There is a calculation made in detail in the book itself, but I do not think it necessary to go into each head, but according to the view that I take of the proportion of the provision for wasting assets, I suggest that this cannot be above 25 lakhs for all these that are taken into consideration. 60 years being the average period for other than buildings and for buildings 150 to 200 years.

**Diwan Bahadur T. Rangachariar:** They have provided 23 lakhs for lines and wires alone.

**Mr. K. Rama Aiyangar:** I know. The question is, if you take the 60 years standard that I suggest, the calculation comes to about 25 lakhs I think. The question that I want to place before the Assembly is this. Honourable Members will please refer to the head "Stamps and Post-cards" at page 11. The expenditure provided, that is clause (h), which is covered by page 8, was only 2.29 lakhs for expenditure in the previous years, it was 3.28 lakhs in 1925-26, but it is 16.76 lakhs in 1926-27. Honourable Members can see the reason for it because the whole thing is being printed in . . . . .

**The Honourable Sir Bhupendra Nath Mitra:** Please see paragraph 22 of the Financial Secretary's Memorandum.

**Mr. K. Rama Aiyangar:** But, Sir, the Security Printing Press has been established here and apparently much more will be required to supply the necessary materials for the Press.

**The Honourable Sir Basil Blackett:** If the Honourable Member will read paragraph 22 of the Financial Secretary's Memorandum, he will see that it is quite unnecessary to make these incorrect hypotheses.

**Mr. K. Rama Aiyangar:** I see, Sir, that my remarks are not relevant on that. Therefore I will leave that out of account. Then, I have to deal with a few more facts in connection with this, because the reply given by the Honourable Sir Bhupendra Nath Mitra to my interpellation that I referred to already of the 28th January gives all the recommendations of the Ryan Committee and also what steps have been taken, what are being taken, what the difficulties are. One of those again refers to the old story of the Department that you have got an extra number of telegraphists whom you cannot immediately dispense with. That is the only point of importance that has to be considered in connection with the reply, because I find the rest of the recommendations are being considered and if in the course of the year effect is given to them, the retrenchment I have proposed of Rs. 89 lakhs will be the consequence. You will have to make some reductions for which there may be adjustments from the other heads that I have already referred to. But so far as telegraphists go, it seems to be a very difficult position that the tax-payer has to bear, because the

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Department feels that it has created friendship with a lot of persons who have been taken on. That seems to me to be an almost ununderstandable position. I have been here all these years and this is the third year in which the Budget is discussed. All these three years the same story is being told. I see the number of telegraphists is now distributed over larger areas, but there are other ways of effecting this. The last Administration Report of the Post and Telegraph Department shows that about 71 persons have passed recently and they are bound to be provided by the Department; but you have got extra telegraph offices. Something must be done to divert that kind of influx. "We have entered into a contract" was the recent explanation given by the Honourable Member in charge. If you have entered into a contract and if you are already over-flooded, are we to take the whole body again, and then say "Let the poor tax-payer pay?" On the other hand, is it not possible for Government with its wide range to adjust matters? Two big railway systems have been taken charge of by the Government, and of course by special contract some of the clerks and other staff there have been taken on, but the range of retirement of each year must be considerably wider when that is also taken into consideration. (An Honourable Member: "What about unemployment?") Unemployment must be provided for by other means which we have been discussing. There is no particular reason why the Department should bear more than it ought to. The Railways will afford a fair chance of relieving much of this difficulty by departmental heads sitting together to see that this is done. If 246 telegraphists on one side and telegraph masters on the other are to be paid by the tax-payer and also their house and other allowances for a long number of years or even for a few years, that will not be a charge which can be justified in the view of the House. I submit, Sir, I have no objection to something being done like that. It is not that anybody wants that other persons who are already entertained should suffer or that their prospects should suffer; but as much as possible must be done to distribute the burden amongst other departments, so that a just proportion might be borne by these departments. There is only one other thing. In connection with the increase of combined offices, some suggestion is made. I see that in the combined offices for some time you can pay the higher paid people and make them work there, of course without giving any guarantee to them that they will be paid like that or any future recruits for those offices will be paid like that. That is a matter for consideration. A number of people have been already taken and they ought to be provided for. It is a matter of provision. But future recruitment must be cut out and it could be adjusted in the course of the year. For all these reasons, Sir, I submit that it is easily possible to find not only 50 lakhs, but about 75 lakhs as I have calculated. 39 lakhs I referred to the Ryan Committee about; 19 lakhs I referred to the interest matter and about 7 lakhs in depreciation fund and some money which is provided for, capital expenditure from revenue. That question has been raised more than once, but we have not yet had a satisfactory solution. I will take up the question of capital charge to capital and Revenue under another head, but so far as this matter is concerned, the expenditure may be retrenched sufficiently to enable the Department to adjust it otherwise. Under these circumstances, Sir, the proposition I have placed before the House is one that in the interests of the tax-payer, in the interests of justice and in the interests of the sense of responsibility of the Government must be given effect to; and I ask the Assembly to carry it without fail.

**Sardar V. N. Mutalik** (Gujarat and Deccan Sardars and Inamdars: Landholders): Sir, after the exhaustive (*An Honourable Member*: "Exhausting") speech of my Honourable friend Mr. Rama Aiyangar, I do not think it is quite necessary to go into the figures to which he has done full justice. Sir, this question of charging interest to the Postal Department is really the main question which I want to take up for discussion at this stage; and I have a motion which also will be merged in this motion by Mr. Rama Aiyangar. What I feel, Sir, is this. Government on their side have not proved that the expenditure on buildings, telegraph wires, etc., has been met by borrowing or has been met from general revenues. Post offices continue to pay some profit to the general revenues. Those profits have merged into the general revenues. Out of those profits perhaps these buildings were built. If you build the buildings from your revenue or from the profits of the post offices themselves, why now charge the post offices with this interest? All that you are entitled to charge is only depreciation. You must keep the property as it is and that is the only duty that you owe to the next generation. It is only recently, Sir, that this commercialisation of the Postal Department has been entered into. When the accounts were separated, I do not think there was any agreement arrived at as to on what understanding these accounts should be separated. I know there is one difficulty and that difficulty is this: whether we charge interest for all these buildings to the post offices or to the general debt it is just the same to the taxpayer. Perhaps the total balances of the Government of India will be reduced by that amount. What I mean to say, Sir, is that it is not very material so far as the paying of interest is concerned. But it is very material in one respect. If we find that the post offices are not being carried on on a basis of profit, then we shall not really be entitled to reduce the postal rates. But if we want to reduce the postal rates and if we want to take the post offices as a separate unit by themselves, then we are entitled to ask this question: Where did the money come from and how were these buildings erected? If the post office paid for those buildings, the Honourable the Finance Member has absolutely no right to ask Sir Bhupendra Nath Mitra for the interest on those buildings. But if it is from borrowed capital, then the Honourable the Finance Member is certainly entitled to the recovery. So, let us have an explanation on this point whether the Postal Department or the Finance Department have made any calculations about the profits from the post offices during the past years and whether these buildings can be really charged as a loan to the post offices.

**Mr. H. G. Cocke** (Bombay: European): Sir, the interesting questions that have been raised by Mr. Rama Aiyangar in his usual exhaustive manner are very difficult to debate across the floor of this House. I take it that one of the difficulties with which Mr. Rama Aiyangar is faced is that the post offices have been taken over, so to speak, as a going concern from what I might call the old Government. The Department took over the concern with its block account and the question arose whether the Department should be debited with interest on the full block account or with interest on only so much of the block account as had been purchased in the past out of loan funds, a large amount of the post office block account having been purchased from year to year out of revenue. If we are going to place the Post Office Department on a commercial basis we must, I think, adopt the point of view which would be taken if a company were



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taking over the post offices. They would have to provide the capital to take over that block and they would, therefore, be burdened with the full interest on the total amount of the block. The question has also been raised whether the post offices should, in addition to being charged with interest on the full block account—regardless of whether that block account was entirely purchased out of loan funds or not,—also be debited with depreciation. There, again, if we take the analogy of a company taking over the post offices, the depreciation would have to be met by the company. Therefore, it seems to me that if we are determined to carry commercialization to its logical conclusion, it is only right that both those debits should appear in the postal accounts; and until we have met those debits in addition to our running expenses, we cannot say that we have made profits out of our post offices. It may be that the Government are benefiting under another head in that they are getting interest from the Postal Department on the full block account. But looking at it from the point of view of the Department and from the point of view of a commercial concern, I think it is necessary that both those charges should appear. I think I shall probably be in order if I make a reference to the question of this block account in connection with our debt. It was raised the other day in the general discussion and the Honourable the Finance Member referred me to page 539 in the large Yellow Book and referred to my criticisms that we had no balance sheet and that it was not possible to see how the debt had been disbursed. He stated that that criticism was not a correct one. On page 539 of this large book we are shown a total debt figure of 776 crores. Then we are shown deductions being capital debited to commercial departments, *e.g.*, Railways 540 crores, Posts and Telegraphs 17 crores, Irrigation 89 crores, and so on, total 649 crores. Deducting that figure of 649 crores, representing capital locked up in commercial departments, from the total of 776 crores, we arrive at a figure of 127 crores, which is the outstanding debt which has not been sunk in any of those concerns. A foot-note states that money to the extent of 11 crores (approximately) has been spent on New Delhi and 10½ crores on the Bombay Development Scheme. That leaves in round figures 112 crores which from this statement presumably represents unproductive debt. At any rate there is nothing to indicate whether this 112 crores has been sunk in any productive work or not. My criticism is that in dealing with this matter we are at a loss to know where the balance has gone. It has gone somewhere. One has also got to remember that a considerable amount of expenditure on an asset like Irrigation has taken place in the past and is not represented to-day by any of the debt because the debt has been paid off. (*An Honourable Member*: "What about Post office expenditure also?") That remark applies to post offices also. But for the reasons I have just given I think post offices ought to be considered separately. In the case of a head like Irrigation, however, it would be interesting to know how our total irrigation expenditure compares with what the so-called debt on Irrigation is to-day, because, although we have paid off part of the debt which has been sunk in Irrigation, that does not eliminate the asset; it is still there. That is a point which I sought to raise in the general discussion.

**Diwan Bahadur T. Rangachariar**: Sir, I wish to mention to the Honourable Member in charge that this motion has the entire sympathy of this isolated part of the House and will have its support unless some satisfactory



explanation is forthcoming. My Honourable friend, Mr. Rama Aiyangar, has suggested four means of saving expenditure in the Post and Telegraph Department. The first method he suggests is to confine new expenditure to those things which are absolutely necessary. The second method he suggests is to effect economy on the lines suggested by the Ryan Committee and the Retrenchment Committee. The third provision which he suggests is that there is an undue provision for depreciation. The fourth method which he suggests is that there is an undue provision in the shape of interest for the general revenue. Sir, all these suggestions seem to me to be reasonable and I do not think any person can reasonably object to any of these propositions. Sir, I may mention at once the secret—if it is a secret—which actuates this part of the House and which, I hope, will command the sympathy of the other side also, that the time has come when we must give some relief to the general population of the country. (Non-official Applause.) Sir, I was one of those who willingly agreed in the year 1921 when these new rates were proposed and new taxes were imposed. We did so because we then found the finances of the country in a confused state, in a depressed state and we wanted to get financial equilibrium. Now, Sir, thanks to the Honourable the Finance Member and to other circumstances we are in a position to give relief. We have given relief to sections only. Now the abolition of the cotton excise duty merely gives relief to a few hundreds of shareholders in mills. Sir, the provincial contributions go only to benefit the services and probably very little of it goes to the development department of the provinces. What is the relief we are giving to the people of this country? The three pies postcards have been in existence for ever so long. It was a means of education, it was a means of spreading knowledge, it was a means of educating the people. We want to restore it, we are bent upon restoring it, and I hope we will do it with the help of Government. If Government cannot lend us a helping hand in this matter they will be—what shall I say? I will not make use of any reprehensible expression—but they will stand condemned at the bar of public opinion. The Honourable Sir Basil Blackett no doubt gives an emphatic negative. I want the Government of India to reconsider their views. I appeal to the Honourable Member in charge. This is a vital matter. If the Government is to be popular, then the time has come for giving us relief in this direction.

**The Honourable Sir Basil Blackett:** The tax-payers' interests will not permit us to reduce the rate.

**Diwan Bahadur T. Rangachariar:** The tax-payer is going to be benefited eventually, but the people of the country who used to post 100 million postcards have now ceased to post them. That is rather a serious problem which confronts a popular Assembly like this, which I still consider is representative of the people. Notwithstanding the weighty remarks of the Chair, I consider this House representative of the people, and it is up to this House, as representative of the people, to stand for this position. I ask for the earnest co-operation of the Honourable Member in charge and also the Finance Member, whether he cannot find some means by which this popular demand can be complied with. Confine new expenditure to what is absolutely necessary. We are going to build new buildings perhaps or provide new establishment. I have not gone into details. That is a matter that requires examination. (*An Honourable Member:* "Leave

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it to Mr. Rama Aiyangar.") I cannot leave it to Mr. Rama Aiyangar because he has not given us any indication in that direction. It is a matter which requires examination, and I am sure that the Honourable Member in charge with the help of the Director General of Posts and Telegraphs will be able to find a way out of this. If Honourable Members will look at page 11 of the Post Office Budget they will find under Telegraphs and Telephones, actuals of 1924-25, 122·6, whereas we now propose to spend 152·7. The telephone expenses from the actuals of 1924-25 was 9·55, while in 1926-27 we propose to spend 18·05, nearly double, and that within the course of 12 months or 15 months. That you should be able to double your expenditure in that direction seems to me to call for an explanation. Then again your actuals increase from 6·4 to 8·9 for radio expenses, so that there are fields for exploration in this direction, explorations with an eye to economy, finding funds to meet the popular demand. That being the objective in view I hope we shall have the sympathetic attention of the Department. We have been helping that Department all these years. I have stood up from time to time to defend that Department when attacked, and I feel that the time has come when this Department should rise to the occasion and meet the popular demand in this direction.

Again, Sir, although it is not a motive to be applauded, still I put it to the Government. We are here deserted by our own countrymen who have said that we are incapable of performing any good. They have withdrawn from this Assembly, they have walked out because they say we are incompetent to do any good. Are you going to justify that reproach? (*An Honourable Member*: "Not incompetent, unable.") Unable, yes. My Honourable friend Mr. Rama Aiyangar has pointed out—though he has a crude method of putting it—a way by which this economy can be effected. Employees can wait for the time when they will get more pay. The House will remember them. If the offices are so selfish, if the establishments are so selfish that they must have their allowances increased, their house rent increased, then they will render themselves very unpopular. Let the public have the benefit now. I am sure the income will increase by reducing the cost of the postcard. That is to say the postcard revenue is bound to go up and therefore I submit that some means must be found by which this expenditure should be reduced by at least 50 lakhs. These are the four methods which are open. May I point out as regards the interest charges, that there is no obligation that the Post Office should contribute to the general revenues; it is not borrowed capital; it is not a legal obligation . . . .

**The Honourable Sir Basil Blackett**: Does the Honourable Member want Madras to pay it instead?

**Diwan Bahadur T. Rangachariar**: I think Madras will not be sorry. Madras will equally benefit by the reduction in the cost of postcards. Madras will profit and other provinces will profit, and I do not want it to be put on the basis of any provincial advantage if there is going to be a surplus to the general revenues although it may be small. Sir, my Honourable friend the Finance Member has seen his way to allot 50 lakhs all at once for archaeological expenditure . . . .

**The Honourable Sir Basil Blackett**: That does not increase our expenditure.

**Diwan Bahadur T. Rangachariar:** Is that more urgent, or is this relief to the people more urgent? The remains have been lying buried for centuries; there is no urgency in digging beneath the earth. If it waits for a century it will not make any difference to this year's Budget, but this makes a difference; this 50 lakhs can be utilised for this purpose. The general revenues can wait to be reimbursed this because you have not satisfied the demands of the people. There is no urgency to allot that 50 lakhs, let us take it this year. I hope that with the capable Finance Member we have we will be in a better position next year when we will be able to provide for that so that this recurring expenditure will be saved. Sir, this is a matter which is urgent and insistent. It is a popular demand and I appeal to the Government to co-operate with the people's representatives here in effecting this needed improvement. I call upon them to accept this proposal and effect this economy in this Department.

**\*Diwan Bahadur M. Ramachandra Rao:** Sir, I only wish to refer to one of the four points mentioned by my friend Mr. Rama Aiyangar, and that is the propriety of debiting a sum of 57 lakhs in the coming year for interest. Sir, the whole question of the commercialisation of accounts assumed a concrete form last year when the accounts were presented to this House. In presenting these accounts, the Honourable the Finance Member himself said as follows:

"It was not until January that various important decisions of principle were finally reached both as regards the form of the account itself and the actual method of distributing the charges. Final orders are still to be issued in certain cases and the statements of estimates prepared represent therefore, on several points, decisions which must be regarded as provisional."

Sir, in referring to the commercialised accounts last year, I contended, and I will contend to-day, that this item of interest on capital is an unjustifiable charge and ought not to be debited to the Postal vote. Sir, the amount spent on buildings and other works of utility to the Post and Telegraph Department has been spent during the course of 30 or 40 years from the revenues of the particular year, and I contend that there is absolutely no justification now, after this considerable period of time, to call upon the tax-payer of to-day to contribute a sum of Rs. 57,00,000 as interest. . . .

**The Honourable Sir Basil Blackett:** I am not calling upon the tax-payer.

**Diwan Bahadur M. Ramachandra Rao:** That is exactly what my Honourable friend is doing, and the only person who is benefiting by these commercialised accounts is my Honourable friend Sir Basil Blackett. . . .

**The Honourable Sir Basil Blackett:** Does the Honourable Member think I take those 57 lakhs into my own pocket? May I tell him where they go to? The greater part of it goes to reduce the Madras contribution. It is perfectly apparent and the allegation that it goes into my pocket is absurd. It goes quite obviously to reduce the charge on the general tax-payer for interest.

**Diwan Bahadur M. Ramachandra Rao:** Sir, the position is absolutely clear to every one of us. This amount does not go into the pocket of my Honourable friend Sir Basil Blackett, or into my pocket, but I tell him this is a charge which ought not to be made against the revenues of the Post Office, and to that extent, if this amount is deducted and you take the

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receipts from the Post Office as a separate item, there would be a total amount of 57·80 lakhs *plus* 18 lakhs available, that is, over 75 lakhs, which would go towards the reduction of the rate on postcards.

**The Honourable Sir Basil Blackett:** Where does the 18 lakhs come from?

**Diwan Bahadur M. Ramachandra Rao:** 18 is the balance on the credit side in the Post Office. I will explain what I meant.

**The Honourable Sir Basil Blackett:** That is a different year.

**Diwan Bahadur M. Ramachandra Rao:** If the Honourable Member will look at page 70 of his Budget, he will see that there are three heads. The Post Office shows a credit of Rs. 18,70,000, and the Telegraph, including Radio, shows a net *minus* balance of Rs. 18,95,000, and the Telephone shows a *minus* balance of Rs. 9,06,000. That is the net result from the three Departments under this head. My contention last time, and my contention to-day, is that in the conditions in which we are situated in India, the receipts from the Post Office should be regarded as a separate item and that anything that bears on the telegraph rate should be regarded entirely as a separate transaction.

**The Honourable Sir Basil Blackett:** May I just for the sake of clearness point out to the Honourable Member that the interest charge to the Post Office is only 7½ lakhs. He is taking what is charged to the Telegraphs in arriving at his calculations.

**Diwan Bahadur M. Ramachandra Rao:** I am talking of the balance net profit or loss. Is this the interest item for the Post Office or is it the total for Posts, Telegraphs and Telephones?

**The Honourable Sir Basil Blackett:** The total item of the three. The Post Office is 7½ lakhs.

**Diwan Bahadur M. Ramachandra Rao:** May I ask what is the net result of the transaction of the Post Office?

**The Honourable Sir Basil Blackett:** Rs. 18,70,000.

**The Honourable Sir Bhupendra Nath Mitra:** But you have been asking that the interest charge should be withdrawn. Well the bulk of the interest charge goes against Telegraphs and Telephones. The bulk of the 57 lakhs you have been talking about goes under Telegraphs and Telephones, so you are not in any way adding to your argument by bringing in this point.

**Diwan Bahadur M. Ramachandra Rao:** My contention is that this amount of 57 lakhs is interest on capital which has been spent in previous years on postal buildings, telegraph buildings or any other class of buildings which are under the control of this Department, and I contend, Sir, that interest on all this capital which has been sunk in all these buildings, whether they are for the Post Office or the Telegraphs or anything else, should not be drawn from the receipts of this Department. Whatever was required for the construction of these buildings was taken from the current revenues of each year during the last 30 years, and the commercialisation of the accounts now has resulted in the claim by the Finance Department. I will say by Sir Basil Blackett, for the sum of 57 lakhs on capital works which have been financed from revenue during all these 30 years. I contend that that is

not a just transaction and a just debit against these buildings. There are other departments which have had their buildings constructed from current revenues, but you are not going to charge interest in any way to them. It should not be regarded, because of the commercialisation of the accounts, that the only analogy for this is the case to which Mr. Cocke has referred. This question of what should be the just debit and what should be the policy with reference to the claim for interest should be examined by the Standing Finance Committee. I suggested last year that these provisional conclusions, which the Honourable Member himself said were provisional, should be placed before the Standing Finance Committee, and some reasonable adjustment of all these items of debit and credit shown in these commercialised accounts should be arrived at. I submit nothing of the kind was done and we have here a claim for interest of 57 lakhs. . . .

**Sir P. S. Sivaswamy Aiyer:** How will you meet the reduction in the general revenues if you take away the 57 lakhs?

**Diwan Bahadur M. Ramachandra Rao:** There will not be any reduction of general revenues so far as this year is concerned. What my Honourable friend Sir Sivaswamy Aiyer says is if this 57 lakhs is not credited here to the Finance Department, the Finance Department will be the poorer by that amount. That is a perfectly correct statement of fact. They will have to find the money, but not by levying it from men who have to use the Post Office. Probably they may impose a higher rate of income-tax on my friends who are sitting there; I have no objection to that; let them do it. I tell you I have not the slightest objection to give effect to any proposals of the Finance Department to put up the super-tax on incomes above Rs. 30,000. By all means find the money in that way, but I ask you not to let the poor tax-payer in this country who uses the Post Office pay this 57 lakhs of rupees.

Sir, I have one other argument. It is admitted by all Honourable Members in this House that during the last three years, after these postal rates had been increased, the letters that passed through the Post Office and the postcards that passed through the Post Office decreased by 100 millions and 125 millions respectively. Now I ask you is it not a fact that the traffic through the Post Office has gone down by nearly one-sixth? Is that a matter for satisfaction? As my Honourable friend by my side (Mr. M. A. Jinnah) suggests to me, it is the gravest reflection on the Government that they should withdraw, by means of enhanced postal rates, the facilities that existed before 1922 or 1923. I think, therefore, that these commercialised accounts, whatever may have been their intention, have resulted in keeping up all the existing rates by what I may call these unjustifiable credits and debits, and I think the Honourable the Finance Member and the Member in charge of the Department ought now to endeavour to get rid of this. I have no objection, if any amounts are required for the Postal Department for the construction of buildings, that you should lend it and charge interest, but our complaint is that you pile up accounts for the last 30 years and suddenly Sir Basil Blackett wants 57 lakhs. . . .

**The Honourable Sir Basil Blackett:** I did not introduce this charge for interest; it was long before my time.

**Diwan Bahadur M. Ramachandra Rao:** It may be so, but you are the successor who is benefiting by it. That is what I say. It may be that my Honourable friend is not immediately getting it, but we look to him

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now as the only man who gets this benefit for the general revenues. One last word, Sir. Of course Sir Basil Blackett will say if you give up this you cannot reduce the provincial contributions. He has used that argument very successfully for several years for every proposal.

**The Honourable Sir Basil Blackett:** It happens to be universally valid. If you use money for one purpose you cannot use it for another.

**Diwan Bahadur M. Ramachandra Rao:** These are all obvious facts, but I am certain I am echoing the feelings of most of us in this House when I say that the one thing which would make the Government popular at the present time is a reduction of these rates which the people have borne these three or four years; and the fact cannot be gainsaid that the postal traffic has contracted to the extent of one-fifth, a fact which cannot be ignored by the Government, whatever may be their difficulties. There must be a way of putting back the traffic to the state in which it was before 1922-1923.

(Several Honourable Members moved that the question be put.)

**The Honourable Sir Bhupendra Nath Mitra:** Sir, we have listened to a most interesting and discussive debate. It began with my Honourable friend Mr. Rama Aiyangar placing before us a series of figures and a specific cut of 50 lakhs in this particular Demand with which I am really concerned. The debate veered round to the question of the reduction of postal rates, etc., which might have more profitably come at a later stage. (*Cries of "No, no."*) Still it has revealed the object why this particular cut was proposed by my Honourable friend Mr. Rama Aiyangar.

I shall first deal with my Honourable friend Mr. Rama Aiyangar; and at the outset I would rather like to warn this House to take his calculations with a certain amount of caution. I know that the other day, when I was dealing with the question of the reduction of postal rates, Mr. Rama Aiyangar levelled against me a definite charge that my statements were not very accurate. Well, I shall ask the House to permit me to regale it with some instances of the accuracy of Mr. Rama Aiyangar's figures.

**Maulvi Muhammad Yakub:** Two wrongs do not make a right.

**The Honourable Sir Bhupendra Nath Mitra:** It does not matter. I shall come back later on to the figures which he placed before us on the present occasion. He has always got an idea—I do not know how he got it—that in the Postal and Telegraph Department we have not given full effect to the Inchcape Committee's recommendations. In his speech on the 2nd February, 1926, he said that we had not given effect to 1 crore of the Inchcape Committee's recommendations, and that since then the expenditure of the Posts and Telegraph Department had gone up according to him by another crore and 59 lakhs. One would have thought that, therefore, our misdeeds were responsible for something like Rs. 2,59,00,000; but in adding the figures he dropped a crore. He apparently is in the habit of carrying crores in his pocket, an accusation which has hitherto been levelled by Honourable Members opposite against my Honourable colleague to my left (Sir Basil Blackett). However, later on he said we

had not given effect to 60 lakhs of the Inchcape Committee's cut. Well I shall try to prove to the House—we have already in statements placed before this House on previous occasions tried to bring out the fact—that we have given effect in the aggregate to the total cut recommended by the Inchcape Committee, and I shall give the House now some further figures in this connection. I shall simply give the figures in the aggregate, as I have no intention of wasting the time of the House.

The Inchcape Committee recommended that the budget estimate of expenditure of the Indian Postal and Telegraph Department for 1923-1924 should be fixed at Rs. 882 lakhs. I understand that according to the method now followed for exhibiting in the accounts the expenditure of this Department, this figure of 882 lakhs was distributed among the various heads in the following manner: Working expenses chargeable to revenue, 843 lakhs; Interest on debt, 66 lakhs (the item was there when the Inchcape Committee wrote its Report); in Capital expenditure chargeable to revenue, *minus* 27 lakhs; the *minus* figure under this last-named head being due to consumption of stores held in stock which the Inchcape Committee wanted to be reduced. The item with which we are concerned in dealing with questions of economy is the first item of 843 lakhs. As a matter of fact the expenditure in 1923-24 on working expenses amounted to 841 lakhs, exclusive of two items which the Department was not charged with before 1923-24 and which did not accordingly enter into the Inchcape Committee's calculations. These two items were one of 32 lakhs for pensionary charges and another of 32 lakhs for overhead charges on Stamps held in depôts. The budget figure for Working Expenses of 1926-27 has been taken at 10,18 lakhs, but this figure includes 50 lakhs for pensionary charges, 33 lakhs for payment to Depreciation Fund, 10 lakhs of expenditure which used to be covered by railway passes which have now been withdrawn by the Railways, and 7 lakhs of extra expenditure on the provision of postcards and stamps. Further this figure of 10,18 lakhs takes into account a credit of 26 lakhs for services rendered by the Posts and Telegraph Department for non-postal transactions like Savings Banks, Cash Certificates, etc. The figure of 841 lakhs for 1923-24 which was obtained after giving effect to the Inchcape Committee's recommendations has thus risen in the Budget of 1926-27 to 946 lakhs—a rise of 105 lakhs. This is the position, if we compare like with like.

Now, Sir, we must turn to the revenue side of the picture. The revenue of the Department in 1923-24 amounted to 990 lakhs after paying 19 lakhs to Provincial Governments as their share of the revenue from the sale of unified postal and revenue stamps. I have a recollection that in his speech on retrenchment Mr. Rama Aiyangar said that the Inchcape Committee, when they proposed their cuts, were working on the higher revenue of 1922-23. I must say, Sir, that that is an inaccurate statement and I invite attention to paragraph 10 at page 95 of the Inchcape Committee's Report.

The revenue of the Department in the Budget for 1926-27 has been taken at 10,65 lakhs after providing for a payment to Provincial Governments of 47 lakhs. The other day I explained to the House the reason why this payment to Provincial Governments has increased.

**Mr. K. Rama Aiyangar:** May I just draw the attention of the Honourable Member to page 91—estimate of receipts 10,19 lakhs?



**The Honourable Sir Bhupendra Nath Mitra:** The Honourable Member will never read these figures correctly. The Inchcape Committee began undoubtedly with the budget estimate for 1922-23, but they said this—I am afraid I shall have to read out the passage. This is in connection with their cut in salaries:

“The Director General has agreed that the provision for salaries should be reduced by Rs. 3,67,800 but has estimated for a decrease in revenue which means a decrease in work. We consider this is inadequate”

and therefore they went on to recommend a larger cut in salaries.

**Mr. K. Rama Aiyangar:** May I point out that they took the receipts at 10,19 lakhs but the Director General said that he had already cut out from the unnecessary provision he had made.

**The Honourable Sir Bhupendra Nath Mitra:** My Honourable friend will not understand the position. They began undoubtedly with the budget estimate for 1922-23, that is, 10,19 lakhs. Then they say, we have heard from the Director General that the revenue will go down, therefore we make a larger cut in the expenditure than we should otherwise have done.

**Mr. M. A. Jinnah:** But why has this cut not been made?

**The Honourable Sir Bhupendra Nath Mitra:** The Budget for 1926-27 over the actuals for 1923-24 does amount to 103 lakhs, which is exactly the same as the growth in expenditure. I am explaining the position. One of Mr. Rama Aiyangar's arguments is that we have not given effect to the Inchcape Committee's recommendations. I am first trying to prove that we have given effect to the aggregate cut recommended by that committee and that the provision we are making in the Budget for 1926-27 is no higher than what we now require. I am now dealing with his general cut for retrenchment. I shall deal with interest and depreciation very soon. The real growth in expenditure between 1926-27 and 1923-24 has thus been about the same as the true rise in revenue. The results is what might be expected on economic considerations. The scale of charges now levied by the department for the services rendered by it may generally be about double the pre-war rate but the cost of the services has also risen to about the same extent. We have no doubt still got the same token pice and token anna; but measured in terms of commodities, that token pice and token anna do not go so far as they used to go before the war. The force of this observation is apparent in our every day transactions. What reason have we then to expect that things should be different in regard to services for which the Indian Post office and Telegraph Department caters? Mr. Rama Aiyangar then proceeded to compare the Demand for 1926-27 with the revised estimate for 1925-26 and he said that the Demand for 1926-27 exceeded the revised estimate by about 70 lakhs. He was generous enough to offer out of that, 20 lakhs to enable us to meet certain grievances of subordinate employees, and he asked us to make a cut of the balance of 50 lakhs. Now, Sir, it was pointed out a little while ago to Mr. Rama Aiyangar that he had overlooked the explanations given in the Financial Secretary's Explanatory Memorandum drawing attention to two special items; firstly, there is 13 lakhs for the cost of postcards, stamps, etc., and secondly, there is an item of 10 lakhs which, as I have already mentioned, is the additional expenditure arising out of



the withdrawal of free railway passes from the Indian Post and Telegraph Department. But apart from that, Sir, does not the revenue of the Department show an increase in the two years? The revised estimate of revenue for 1925-26 is 10,23,47,000. The budget estimate for 1926-27 is 10,64,65,000, a rise of 41 lakhs. Does Mr. Rama Aiyangar or any of my Honourable friends opposite hope that this extra revenue will be earned without our having to incur an almost equivalent expenditure on the establishment required for the purpose?

**Diwan Bahadur T. Rangachariar:** What proportion of the extra revenue will you allot for extra establishment?

**The Honourable Sir Bhupendra Nath Mitra:** Nearly the whole of it will be required for extra establishment.

**Diwan Bahadur T. Rangachariar:** Why should it? The same telegraph peons and postal peons deliver the telegrams and letters.

**The Honourable Sir Bhupendra Nath Mitra:** I am simply surprised at the statement that the same staff will be able to deal with this additional volume of traffic. I have already said that the cost of the services is no less than the amount charged in regard to the services and I mentioned the other day that I could not be a party to overworking the staff. I think Mr. Joshi when he gets up will have something to say in this connection. To avoid over-working, in the Budget for 1926-27 we have had to make certain provisions to permit of the grant of leave to postmen, etc.

**Sardar V. N. Mutalik:** Does the Honourable Member mean to say that every increase in traffic will only be proportionate to the actual expenditure?

**The Honourable Sir Bhupendra Nath Mitra:** I am not in a position to make any definite statement on that point, because circumstances in different parts of the country vary. For example, if we open a new post office,—and there is a general demand for the increase of postal facilities in rural areas,—the cost of that office at the start will be much heavier than the immediate receipt; but probably in a big town like Calcutta when there is an increase in the volume of traffic, it may not be necessary for us to employ additional establishment costing precisely the same as the additional revenue brought in by the extra traffic. But generally speaking . . . . .

**Sardar V. N. Mutalik:** What about overhead charges?

**The Honourable Sir Bhupendra Nath Mitra:** The overhead charges are relatively small. Time after time in this House, Sir Geoffrey Clarke has pointed out the smallness of the supervising and administrative establishments which the Department has employed and there is no question of adding to them until and unless the need is clearly established. But it is the subordinate staff, the people who will have to sort the letters, carry them from one place to another, re-sort them probably ten times over again and then deliver them—it is those that really cost money.

(At this stage Mr. K. Ahmed rose to make an interruption.)

**Mr. President:** The Honourable Member to whom the question is addressed during the debate will resume his seat if he desires to give way.

(At this stage Mr. W. M. Hussanally made an interruption.)

**The Honourable Sir Bhupendra Nath Mitra:** If the Honourable Member (Mr. Hussanally) who has just interrupted me meant to ask whether we cut down establishments when the traffic goes down, I say we do. If the Honourable Member wants me to go into some statistics on this subject I shall do so readily. I shall not go into much detail but I shall give the total figures. (*Some Honourable Members:* "We do not want them.")

**Sir Hari Singh Gour:** Explain why this cut should not be made.

**The Honourable Sir Bhupendra Nath Mitra:** As regards Mr. Rama Aiyangar's first argument, namely, on grounds of general retrenchment, I have already explained that there is nothing in it. I require all the money that I have demanded for Working Expenses to meet the ordinary traffic of the department. I come next to Mr. Rama Aiyangar's second point, that is the Ryan Committee's Report. (*An Honourable Member:* "Why should not this cut be made?") Because I require the whole of the money to meet the traffic of the Department, to run the Department efficiently, to carry letters and postcards which my friends opposite want to be delivered punctually and in regard to which, if there is any delay or non-receipt, I shall be heckled very badly later on. It is for this reason that I want the whole of that money. If my friends opposite do not want me to say anything in regard to Mr. Rama Aiyangar's criticisms connected with the Ryan Committee's Report I shall be quite content not to do so; otherwise, I shall be obliged if they will allow me to proceed. I shall first deal with the items given in the Ryan Committee's Report, paragraph 170, which mount up to a total of 21 lakhs in all. Now, what is the nature of these reductions? The first important suggestion they make is to substitute a cheaper class of Railway Mail Service sorters. Does my friend Mr. Rama Aiyangar or does anybody on the opposite side of the House want me, even if it be possible administratively, to get rid of the present Railway Mail Service sorters and replace them by men on lower rates of pay? If such a measure can be introduced it can only be introduced very gradually, and so Mr. Rama Aiyangar's Rs. 7,70,000 are not immediately available. The same remark applies to the second item, "revision of the ratio of general to station service telegraphists". I come to the next item, "substitution of clerical for telegraph staff for the execution of certain duties". The same remark applies here also. I am not yet prepared to say that those measures can wholly be introduced. They are receiving our most careful consideration. But even if it is feasible to introduce them, you will not get any saving from those items in the next year or the following year. You may get something in the year after that. In fact, if you try to force these retrenchments, you will send a number of people on to the pension establishment, and apart from the misery created thereby the pension charges will go up enormously, and instead of there being any real economy it will mean extra expenditure.

I shall next turn to the subsidiary items referred to in paragraph 171. About the cadre of Superintendents of Post Offices, it may interest Mr. Rama Aiyangar to know that we are not increasing the strength of Superintendents of Post Offices. We have not increased

them in the last 5 years, though the number of post offices gone up considerably; rural areas have been developed from a postal point of view and post offices have been opened. And the only way we can give effect to that recommendation—at least this is my provisional view—is by not adding to the strength, as it is impossible to reduce the strength. This was a point which Sir Geoffrey Clarke dealt with very fully on the floor of this House last year. Now we come to the next two items, “the further replacement of departmental telegraph offices by combined offices” and “revision of staff on the basis of a more reasonable standard of output by telegraphists”. Here the remark I have already made in regard to the items in paragraph 170 also applies; that is, you cannot get any immediate saving. The last item is:

“a revision of the conditions which at present make for an excessive absenteeism, as a result of which the department bears heavy charges for staff who produce no results”.

Now, Sir, if you want to look at the other side of the picture, I would ask you to read the Report of another Committee, namely, the Postal Committee of 1920. (*An Honourable Member*: “It is an ancient document.”) Well, the remarks contained in it are true at the present day, and I am pretty certain they will appeal to my friend Mr. Joshi, whom I cannot find in the House at the present moment. (Laughter.) The passage I am quoting refers to their proposals for increasing the leave reserve, and they say:

“It may be argued as against the proposal that casual leave, not being a recognized form of leave, cannot be taken into account in calculating a leave reserve. This is sound enough in the case of an ordinary Government office where arrangements can be and are made to carry on the work of a casual leave absentee, and where as often as not no harm ensues even if for a day or two an absentee's work is left over to be done on his return. But it will not work in a post office where an absentee must be replaced, the only alternative being, in a one-man office, to close the office, and, in a larger office, to shut down one line of business—registration, money order, savings bank, etc., as the case may be. As this alternative is obviously out of the question there will, if the reserve we recommend is not sanctioned, be no course open to the Department but either to refuse leave, in which case the concession of 20 days' casual leave which has recently been sanctioned will remain as it is—a hollow mockery—or to continue the system of employing unpaid probationers . . .”

and it goes on like that. The Committee recommended a leave reserve of 20 per cent. The leave reserve that Government sanctioned at the time was 17 per cent. That being so, where is the room for the excessive absenteeism and how do you expect to get savings of lakhs from that source?

Now, Sir, I think I have pointed out at least to the best of my ability that there is no chance of getting any economy or securing any cut in the Demand for Working Expenses. It will be impossible to run the Department if a smaller sum of money is allotted for the purpose. It may of course be run, but certainly not efficiently, and to use an expression which I used the other day, by sweating the staff. Well, I am afraid I cannot support that idea.

Now, Sir, I shall deal with my friend Mr. Rama Aiyangar's next point, namely, in regard to the interest charge. Mr. Rama Aiyangar would like to take off something from the interest charge. Now, Sir, there seems to be an impression at least among some Members that last year the Government quietly put in this interest charge. As a matter of fact it has

[**Sir Bhupendra Nath Mitra:**]

been there from 1921-22. It was looked into by the Inchcape Committee. What that Committee said in regard to the charge was this:

"We are informed by the Director General that sufficient allowance has not been made for depreciation in arriving at the capital expenditure on which interest should be charged as part of the working expenses of the Department."

We accepted that suggestion and the capital on which we are now charging interest to the Department is the depreciated value of the block and not the original value. The charge has been passed by this House for a number of years. The charge was first passed in 1921 and now we are told that it is undesirable to make this charge. It was admitted by my friend Mr. Mutalik that so far as the general tax-payer is concerned it is immaterial whether you make the charge or do not make it. If you do not make the charge here, the interest charge under some other head will be considerably increased, and therefore the money available for the relief of the tax-payer in one form or another remains the same. There is no change in the total sum.

**Sardar V. N. Mutalik:** We are not concerned with that. I have made it quite clear, we are concerned with the postal rates.

**The Honourable Sir Bhupendra Nath Mitra:** It does not matter. In fact I have first dealt with the result to the tax-payer as a whole. I shall next deal with the question of propriety. As I have already said, the Inchcape Committee blessed the system which we are now adopting, and I should have thought that that itself would have been sufficient for my Honourable friend, Mr. Rama Aiyangar, for the Inchcape Committee's Report is, I should not say his Bible, but his Veda. We are simply following their recommendation in the matter. But apart from the views of the Inchcape Committee, is it wrong to make the charge? Mr. Rama Aiyangar talked about the one per cent. charge on Railways. But he forgot that before the one per cent. charge is made, Railways are made to pay the full interest on capital. He does not understand the position. That one per cent. is the contribution of the Railways to the general revenues. Here there is no question of a contribution to general revenues. If he had at all examined the Finance and Revenue Accounts and documents of that sort carefully . . . . .

**Mr. K. C. Neogy:** Do you regard the Postal Department as a revenue-earning Department?

**The Honourable Sir Bhupendra Nath Mitra:** We do not. That is the reason why the one per cent. charge is not made.

**Mr. K. C. Neogy:** There is no analogy between the Railways and the Postal Department.

**The Honourable Sir Bhupendra Nath Mitra:** I was dealing with Mr. Rama Aiyangar and pointing out the inaccuracy of the statement made by him, because he told this House that in the case of Railways, for similar expenditure we charge only one per cent. We do not charge one per cent. We make the full interest charge *plus* one per cent., and that is an absolutely correct fact. Now I shall return to the question, why are we charging interest to the Indian Postal and Telegraph Department. I

think I said on a previous occasion that our policy in regard to the Department is this—it has been mentioned several times in this House and has never been challenged by this House—our policy is that this Department should pay its way. We do not want any revenue from it, but it should pay its way. That is, the tax-payer must pay for the conveyance of his letters and telegrams by the fees which are charged for the services. Now to find out what the cost is . . . . .

**Sir Hari Singh Gour:** Why should the writer of a letter pay for another man's telegram?

**The Honourable Sir Bhupendra Nath Mitra:** I shall come to that pretty soon. I am for the present dealing with the policy. To find out what the cost of the services is, you have got to allow for that interest charge. My Honourable friend, Mr. Cocke, was perfectly correct there. Let us assume that Government had handed over this business to a private carrying agency and said, "Here is this business, you take it over and find out what the cost of the services is and you charge the public accordingly." They would then have charged proper fees for the services rendered, and for that purpose they would have treated as working expenses the interest to be paid on capital,—the amount which they would have to pay to Government for the handing over of the concern to them by Government. So, from the theoretical point of view, it is a perfectly correct proposition to charge interest to the Department.

Now my Honourable friend, Sir Hari Singh Gour, referred to the other matter, that is, why should Telegraphs pay for the conveyance of letters by the Post Office? I think my friend, Diwan Bahadur Ramachandra Rao, was on the same track, too, and I had to stop him by referring him to a particular matter . . . . .

**Mr. Bipin Chandra Pal:** Was he after the private carrying agency?

**Sir Hari Singh Gour:** My question was just the other way.

**The Honourable Sir Bhupendra Nath Mitra:** Yes, it was. I am discussing it in relation to the interest charge though it is covered by a separate motion on the paper. The point is this. In arriving at a deficit of Rs. 18,95,000 on the telegraph side, the charge for interest on capital outlay is Rs. 41,86,000. So even if this proposition were acceptable to us, the Post Office would not benefit. It is the Telegraph Department which would benefit most, and even if I am to treat them in separate compartments as he wants—I see my Honourable friend now shakes his head—there should be a reduction in the telegraph and not in the postal rate.

I shall now deal with the last point of my Honourable friend, Mr. Rama Aiyangar, which is this: He referred to depreciation. I think he wanted to reduce the demand for the depreciation of wasting assets to 25 lakhs by a lump cut. I am sorry I do not follow him fully as to the reason for this reduction. But I can tell him this, that the normal lives of the various articles comprising the assets of the Indian Posts and Telegraphs Department were worked out very carefully in consultation between the Engineer, who ought to know something of his job, and the Accountant General, and I am pretty certain that the latter would not have allowed any hypothetical assumptions to pass unchallenged. I find that in the case of copper and bronze wire the normal life is taken at 35, and in the case of serial

[Sir Bhupendra Nath Mitra.]

cable it is taken at 15. These were the lives which were assessed on the advice of the Engineer and the Accounts Officer; and I may also say this that in making their calculations they had before them the report of a similar calculation made in England also by an Engineer and an Accounts Officer. Having got these normal lives, the rest was a matter of calculation; and if you want to make adequate provision for the depreciation of your wasting assets, no reduction in the demand is possible.

**Mr. K. Rama Aiyangar:** How many years' wastage had been deducted?

**The Honourable Sir Bhupendra Nath Mitra:** I think I have now done with my friend, Mr. Rama Aiyangar (Hear, hear). Now, Sir, I shall turn to the remarks made by my friend, Mr. Rangachariar. To the extent that those remarks refer to the four items under which Mr. Rama Aiyangar wanted savings, I hope I have disposed of them. My friend also referred to the fact that if we reduced the postal rates, the traffic would go up. I said the other day that the traffic would certainly go up, but the expenditure would go up too, and our general impression is that the expenditure will go up in the same proportion. The House were not willing to have the figures which I wanted to give them showing how the increase in staff in recent years compared with the increase in traffic; but if they had listened to the figures, they would have found that the increase in staff has not kept pace with the increase in the traffic, and as it is we hear complaints from the staff in various directions.

Mr. Rangachariar incidentally referred to the Archæological Fund. Well I am not sure whether I am trespassing on the domains of my Honourable colleague to my left, but Mr. Rangachariar overlooked the fact that the 50 lakhs which it is proposed to hand over to the Archæological Fund in the current year is a non-recurring item. It would give us a recurring sum of something like 2½ lakhs, which of course will be of no use for the purpose of reducing the postal rates.

Sir, I think I have dealt with all the relevant points which were brought forward, and I hope I have proved to the satisfaction of the House that it is not possible to make any reduction in the working expenses. (*Cries of "No, no" .*) Well, if they say "no", I know that there are other interests involved.

**Mr. B. Venkatapatiraju** (*Ganjam cum Vizagapatam*: Non-Muhammadan Rural): Sir, I do not propose to take much time, but the most eloquent and elucidating speech of Sir Bhupendra Nath Mitra in meeting the arguments of Mr. Rama Aiyangar made confusion worse confounded. Evidently Sir Bhupendra Nath Mitra has not read the recommendations of the Ryan Committee, because if he has read them, he would not have made such a statement about absenteeism. In paragraph 146 of that Committee's Report after recommending that Rs. 10,84,000 per annum can be saved for the pay of the permanent establishment, they state it would be preposterous if they suggested that it should be fixed at 17 or 20 or any other comparable percentage of the staff at work. What we are all advocating is that we want a lump reduction of 50 lakhs in order to help us to reduce the rates on postcards. That is our aim and our object. In order to achieve that end, various methods are suggested. It is stated by Mr. Cocke that we must treat this as a commercial department. After all the

State is being benefited partly by the Post Office and mostly by the Telegraph Department. No State can run its machinery without their help. Is it not necessary for the general taxpayer to contribute towards this object? You cannot say that in any country the Telegraph Department pays. You must subsidise it. Why should you, for that purpose, take any amount from the Post Office? It is true that for a long time we were not charging any interest. During the last 30 years we made a large profit as shown from the year 1900 to 1920. In 1919-20 the income was Rs. 59,96,811, the charges Rs. 47,25,800 and the profit Rs. 12,71,511. It is true that in these accounts non-effective charges like pensions, rent of buildings, etc., are not included or charged to other Departments such as the Public Works Department. It is equally true that, according to the recommendations of the Ryan Committee, several improvements can be effected. They have pointed out in paragraph 146 that an immediate saving of Rs. 10,84,000 could be effected, and they point out on page 67 how other recommendations could be adopted, effecting a saving of Rs. 21 lakhs. Besides that, they suggest other economies that could be effected. If experts like these three gentlemen, who have prepared this account, cannot be supported by the Government who appointed them, and if by the speech of Sir Bhupendra Nath Mitra we are to take it that these experts are altogether wrong, I must say that there seems to be something rotten.

**The Honourable Sir Bhupendra Nath Mitra:** I never said they are altogether wrong. I said it will take time to secure the savings.

**Mr. B. Venkatapatiraju:** I wish to bring to the notice of Sir Bhupendra Nath Mitra that in the Administration Report itself they have pointed out that this Committee have made 14 recommendations. They say:

"Besides several minor suggestions, the following were the recommendations."

It is said that they are receiving consideration. Since February, 1925, they have been receiving consideration up to now. When a Committee appointed by the Government says that economies can be effected to the extent of Rs. 30 to 40 lakhs, and if you have not done anything till now, is it fair on the part of the Government to say "though we have got the recommendations, we are still considering them"? In the next paragraph of their Report, Sir, you will find that they accept the Lee recommendations without delay. In the speech of Sir Basil Blackett, he himself pointed out, with reference to the postal charges, that they have increased by 10 lakhs on account of the decision of the Railway Department to withdraw the concessions of free railway passes to employees. They have enjoyed this concession for these 30 years. Why should they be deprived of it now? If the Government are interested, the other Departments must contribute as well. Why should this concession be charged against the Postal Department at all? Thus you have added 10 lakhs. You further state that 19 lakhs were added for increased emoluments. Evidently it must be for the Lee Commission recommendations. You have added 15 lakhs this year for increased benefits for postal employees. We know the grievances of the postal officials. In the Finance Committee we have given support to an increase of 15 lakhs. Even Mr. Rama Aiyangar does not ask that the increase to postal officials should not be given. They must have a living wage. When you have increased taxes directly and indirectly to the extent of 50 crores annually, should you not give some concession to the people even to the extent of half a lakh? That is what we ask. If you do not do that, either you are incapable of

[Mr. B. Venkatapatiraju.]

economising expenditure or you do not want to do anything to help the people. Do you want to reduce the salt tax? Do you want to reduce anything? If you are not prepared to do any other thing, why not do even this, which will give relief to every poor man? There is only one more argument. Do you know even in this year, 1923-24 and 1924-25, half a million less of postcards were sold in India, and if you take it from the time you increased the rate, the total loss is 100 million cards. But even this year, there is reduction. What does that mean? Does it not mean that 100 million correspondents have stopped using postcards? Is it fair for a poor country like India that you should keep the postage at this heavy rate? We know that Sir Basil Blackett from the very beginning has been very much against giving any concession in this matter, because he does not want to give a concession to the people. This is not the first time. Whenever he has stood against it, next year he has admitted his mistake, though not openly. In the matter of the salt duty, he fought against us, but next year he reduced it. Similarly, I expect if he does not agree to our suggestion now, at least next year he will agree to it. (*Some Honourable Members*: "This year.") Even the traffic is not bearing, because the sale of cards is going down. Even postcards are going down.

**The Honourable Sir Basil Blackett**: Going up.

**Mr. B. Venkatapatiraju**: I have the figures now. I do not know where he has got his figures from.

**The Honourable Sir Basil Blackett**: It is going up year by year since 1923.

**Mr. B. Venkatapatiraju**: We are only confining ourselves to postcards. I have got the figures. From 640 in the past years, it has come to 550 at present. Therefore it is 100 millions less this year.

**The Honourable Sir Basil Blackett**: Go back to 1922-23.

**Mr. B. Venkatapatiraju**: We have got it, showing how it has gone down to 550 millions.

**The Honourable Sir Basil Blackett**: It is going up every year since 1922-23.

**Mr. B. Venkatapatiraju**: It has gone up by 5 millions after going down by 150 millions. Do you think it is satisfactory and that you can say that it is going up year after year? Taking the revenue also, from the purchase of internal postcards as well as half anna stamps, you will find reduction in 1922-23 and 1924-25. How do you account for that? I shall give the figures.

**The Honourable Sir Bhupendra Nath Mitra**: We know the figures.

**Mr. B. Venkatapatiraju**: If you know the figures, you must admit my contention.

**The Honourable Sir Bhupendra Nath Mitra**: You said it is going down year after year.

**Mr. B. Venkatapatiraju**: Yes. In 1923-24 the sale of inland single postcards was 211 millions; in 1924-25, 206 millions. That means 5 millions less. In regard to half anna adhesive stamps, the sale was 108 millions in



1923-24 and 97 millions in 1924-25. Is it not less? It is less by 11 millions. After taking 10 millions increase in double cards and providing for that, there is still 7 million postcards less.

**The Honourable Sir Bhupendra Nath Mitra:** The Honourable Member is mixing up his figures.

**Mr. B. Venkatapatiraju:** Therefore, I submit that it is high time, in spite of the Honourable Sir Basil Blackett's strong remarks in his budget speech, that you should bend a little and agree to show some concession to the people who are over-burdened by taxation in a hundred and one ways.

**The Honourable Sir Basil Blackett:** I think it is time we came to the question that is before us—can we make a cut of 50 lakhs in the Post Office expenditure this year? (*Several Honourable Members:* "Yes.") It has been perfectly clearly proved that it cannot be done by retrenchments or special economies. It has been perfectly clearly proved that whatever economies will result from the application of the Ryan Committee's Report, which I hope will be applied and will cause some economies, we cannot hope for anything much from that in the year 1926-27. It has also been proved quite clearly by Sir Bhupendra Nath Mitra that we cannot reduce the charge for depreciation if we are to keep our block value up to the standard. It has been shown quite clearly that the charge for interest is justifiable on any system of commercial accounting, but it is suggested that we should not charge it. Very well. There is no kind of reason why you should not charge it, but it is suggested that you should not charge it. It has been pointed out that if you do not charge it, it simply means an increase in the charge of debt under the head of Interest. It does not increase or decrease the general surplus for 1926-27. It alters the figures of the Post Office quite unjustifiably and it is used therefore as an argument for reducing postal rates. Mr. Ramachandra Rao put his finger on it when he said that if you want the postal rates to be reduced, you must tax somebody else. Mr. Ramachandra Rao suggested—put up Income-tax. You cannot do it without putting up taxation in some form or another.

**Diwan Bahadur M. Ramachandra Rao:** I did not say that.

**The Honourable Sir Basil Blackett:** It will be within the recollection of the House that Mr. Ramachandra Rao suggested that Sir Sivaswamy Aiyer's or Mr. Rangachariar's income-tax should be increased in order to pay for the reduction of postal rates. You cannot find 57 lakhs from nowhere. It must be found from somewhere.

**Diwan Bahadur T. Rangachariar:** From the surplus.

**The Honourable Sir Basil Blackett:** Finally, it is suggested that it should be found from the surplus. How can you find it from the surplus, which is only 130 lakhs, from which 125 lakhs is required towards the reduction of provincial contributions? Now, I say there is no justification whatsoever for running the Post Office—I leave out the Telegraph Office for a moment—at a loss. It is quite unjustifiable to run the Post Office at a loss. The worst thing that you could do in the interests of the country and in the interests of the tax-payers taken as a whole in the country at the present moment would be to embark on a policy of subsidising the carriage of letters and postcards at the expense of the tax-payer. Of course there will be an increase of traffic. But for such an increase you would imme-

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diately have to pay a very much larger subsidy because, as Mr. Sim pointed out the other day, it is like the Irishman who said that he could make any amount of profit by selling oranges at a loss if he only sold enough of them. That is what the House is proposing to-day. It is not possible to make this cut of 50 lakhs because if you make it you cannot carry your traffic which we estimate we shall be required to carry. Either you must not carry the traffic or you must incur this expenditure. So far as this cut is concerned it is perfectly obvious that you cannot make it on any basis that has any relation to facts. I know the House is very anxious, if it only could do so, to reduce postal rates. I tell the House perfectly plainly that the idea that you can ever reduce postage to the rates at which it stood before the war unless there is some very big change in general prices is one which we ought to give up at once, because in hoping for it we are crying for the moon. You cannot reduce postal rates to those figures unless you are prepared to charge the tax-payer year by year an increasing sum in order to carry the mails. (*Some Honourable Members*: "Make some reduction.")

**Diwan Bahadur T. Rangachariar**: Make a reduction only in postcards.

**The Honourable Sir Basil Blackett**: Postcards are probably the last thing the rates for which can be reduced. If you do so, you would cut the letter traffic more than ever. If you are going to reduce it further, you are going to carry it at an increasing loss. I know the House attaches very great importance to this. Mr. Rangachariar appealed to the Government for co-operation and said that the Government should do something for the good of the country. Is it for the good of the country to increase the country's taxation? You cannot reduce your postal rates unless you are prepared in some form or another to increase the taxation of the country. How can we do it except by charging the tax-payer something in order to carry your letters and postcards cheaper? I say that that is very objectionable. The House has the issue perfectly clearly before it. It is very anxious to do something popular. That is the very worst motive by which any representative Assembly can be carried away when it is considering a financial subject.

**Mr. President**: The question is:

"That the Demand under the head Indian Postal and Telegraph Department be reduced by Rs. 50 lakhs."

The Assembly divided:

AYES—28.

Abul Kasem, Maulvi.  
Ahmad Ali Khan, Mr.  
Ahmed, Mr. K.  
Aiyangar, Mr. K. Rama.  
Alimuzzaman Chowdhry, Khan  
Bahadur.  
Ariff, Mr. Yacoob C.  
Das, Mr. B.  
Dumas's, Mr. N. M.  
Ghazanfar Ali Khan, Raja.  
Ghose, Mr. S. C.  
Ghulam Abbas, Sayyad.  
Ghulam Bari, Khan Bahadur.  
Gour, Sir Hari Singh.  
Hussanally, Khan Bahadur W. M.  
Jeelani, Haji S. A. K.

Jinnah, Mr. M. A.  
Lohokare, Dr. K. G.  
Mahmood Schamnad Sahib Bahadur,  
Mr.  
Malaviya, Pandit Madan Mohan.  
Muhammad Ismail, Khan Bahadur  
Saiyid.  
Mutalik, Sardar V. N.  
Neogy, Mr. K. C.  
Pal, Mr. Bipin Chandra.  
Ramachandra Rao, Diwan Bahadur M.  
Rangachariar, Diwan Bahadur T.  
Sadiq Hasan, Mr. S.  
Venkatapatiraju, Mr. B.  
Yakub, Maulvi Muhammad.

## NOES—42

Abdul Qaiyum, Nawab Sir Sahibzada.  
 Ajab Khan, Captain.  
 Akram Hussain, Prince A. M. M.  
 Bajpai, Mr. R. S.  
 Bhore, Mr. J. W.  
 Blackett, The Honourable Sir Basil.  
 Bray, Sir Denys.  
 Burdon, Mr. E.  
 Calvert, Mr. H.  
 Carey, Sir Willoughby.  
 Clow, Mr. A. G.  
 Cocke, Mr. H. G.  
 Crawford, Colonel J. D.  
 Dalal, Sardar B. A.  
 Donovan, Mr. J. T.  
 Gidney, Lieut.-Colonel H. A. J.  
 Gordon, Mr. R. G.  
 Graham, Mr. L.  
 Hezlett, Mr. J.  
 Hira Singh Brar, Sardar Bahadur  
 Captain.  
 Hudson, Mr. W. F.  
 Innes, The Honourable Sir Charles.

Jatar, Mr. K. S.  
 Lloyd, Mr. A. H.  
 Macphail, The Rev. Dr. E. M.  
 Makan, Khan Sahib M. E.  
 Mitra, The Honourable Sir Bhupendra  
 Nath.  
 Muddiman, The Honourable Sir  
 Alexander.  
 Naidu, Rao Bahadur M. C.  
 Neave, Mr. E. R.  
 Owens, Lieut.-Col. F. C.  
 Rahman, Khan Bahadur A.  
 Rau, Mr. P. R.  
 Roffey, Mr. E. S.  
 Sams, Mr. H. A.  
 Singh, Rai Bahadur S. N.  
 Stanyon, Colonel Sir Henry.  
 Sykes, Mr. E. F.  
 Tonkinson, Mr. H.  
 Vernon, Mr. H. A. B.  
 Vijayaraghavacharyar, Sir  
 Tiruvalangadi.  
 Willson, Mr. W. S. J.

The motion was negatived.

(Several Honourable Members to Mr. Joshi, whose motion was next on the list: "Withdraw, withdraw.")

**Mr. President:** Order, order. I must protect the Honourable Member. It is for him to decide whether he should move his motion or not.

**Mr. N. M. Joshi:** Sir, I am going to move it.

*Grievances of postal employees.*

**Mr. N. M. Joshi** (Nominated: Labour Interests): Sir, I move:

"That the Demand under the head 'Indian Postal and Telegraph Department' be reduced by Rs. 1,000."

My object in asking this House to make the reduction is to draw attention to the grievances of postal employees. The House will remember that last year we passed a Resolution asking the Government of India to inquire into these grievances. I am very glad that the Honourable Member in charge of the Department made an inquiry. He interviewed several of the postal employees and I am also glad that during this year he has made certain proposals for improving their prospects. I feel, Sir, that although the Honourable Member has shown some sympathy and has also taken some action for improving the prospects of the postal employees, he could have shown a little more sympathy and taken a little greater action and also shown greater appreciation of the hardships of the postal employees.

Sir, I am very thankful to the Honourable Member for what he has done. He is going to increase the salaries of the postal clerks in some towns to some extent. He is also going to provide for casual leave in some cases. He is also going to give some house rent allowances to some sections of the postmen. But, Sir, I feel that he has not done full justice to the employees of his Department. I am very glad that he admits the fact that the postal employees are sweated, but if they are sweated then it is

[Mr. N. M. Joshi.]

his duty to see that the sweating is put a stop to immediately. But, Sir, when he makes a statement about the grievances of postal employees and puts before us his views on those grievances, I think he has done them great injustice. The main grievance of the postal employees is about their pay and allowances, and as regards this matter although he admits that there is sweating, he has not done enough. I know, Sir, that he has not yet completed his inquiries and I have therefore some hope that when he completes them he will be able to do justice to the men of his Department. I feel that he is under some misapprehension when he talks of the salaries of the employees of the Local Governments in several departments and compares the salaries of the postal employees and the salaries of the Local Government employees. But, Sir, he does not compare the hours of work which these two sets of people have to work. The Local Government clerks generally work for six hours a day but the postal clerks work for 8 hours a day, so when he talks about the salaries being equal he must see how long each set of people work. If the Local Governments pay Rs. 60 a month to their clerks in Bombay City, he ought to pay at least one quarter more to the postal employees because you work them for 2 hours more. In the same way the postal employees get a small number of holidays and in many cases they have to work on Sundays.

Now, if the Honourable Member has not done sufficient justice to the position of clerks, as regards postmen he has not done them any justice. Although the postmen put forward this grievance as regards salaries, I do not find any reference to the salaries of the postmen in the statement which he has issued. I want to know whether he considers the salaries which are paid to the postmen at the present time are adequate salaries. Take Bombay City where the postmen's minimum salary is Rs. 27 with house rent allowance of Rs. 7 per month. He gets therefore every month Rs. 34 when he works even on Sundays and when he does not get holidays and works for two hours more than the hours worked by the employees of Local Governments. Now, Sir, in Bombay an ordinary weaver working in a cotton mill gets Rs. 40 at least. He may get a little more.

**An Honourable Member:** What about pension?

**Mr. N. M. Joshi:** Yes, pension, but it does not come to very much, and moreover, if you calculate it, how many postmen live to enjoy their pensions. You will find that very few as a matter of fact do live to the age when they enjoy their pensions. On one occasion I asked Government to supply me with figures of postmen who lived to enjoy pension, and I was refused those figures. I know why Government did not supply me with those figures. Sir, the postmen are very inadequately paid. I quoted the instances of postmen in a city like Bombay. Now take the village postman. The representatives of the postmen placed before Government the difficulties of village postmen who have to go from one village to another. Sometimes a postman goes out distributing letters from village to village and does not return home for about eight days, and they claim certain allowances for being on tour for seven days every week. But Government's reply is that that is the condition of their service. If that is the condition of their service, you must also give them adequate pay. Take a postman in a bigger village; he does not leave his village, and he gets the same pay as the postman who goes to 50 villages in eight days. A postman in a village gets the same pay as a postman who has to visit

50 villages in a week. Certainly you are not giving the same conditions of service to these men.

Then, Sir, there is the question of the runners. These runners are not considered to be men of what is called the superior service. They are called menials and when the representatives of the employees asked Government to treat them as belonging to the superior service and asked them to give them leave and pensions on the same scale on which men in the superior service got their pension and leave they were told that these people are regarded as menials. This is a very curious thing. You first treat a certain class of people as menials, and then say they will not get the privileges of the higher services. But who asked you to treat these runners, who have to do their work at the risk of their lives by going over deserts and by sometimes wading through floods, as menials? Why should you treat them as menials? They do very important work; they do very responsible work; they also do very dangerous work. You ought to treat them as men belonging to the superior service. I therefore think that the Honourable Member in charge of the Department has not done full justice to the runners.

Then, Sir, in some cases the proposals which he has placed before the Standing Finance Committee are actually retrograde. I learn that in Madras the minimum salaries of the clerks are going to be reduced from Rs. 45 to Rs. 40. That is a revision with a vengeance! Sir, I want the Honourable Member to consider the grievances of these men again very carefully and very sympathetically. Sir, I am not unmindful of what he has done, but the grievances are so serious that I think he has not done enough. I know, Sir, when I began speaking, many Members asked me about the money that will be required for paying the employees more than they are paid at present. Sir, if you want employees to do their work properly, you ought to pay them properly. It is not the business of the employees to tell you how the money is to be got. You do not ask the employees how the Government should be run and how the Department is to be administered. If you give a voice to the employees in admini-

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nistering your Department, you may have some justification in asking the employees to find the money. What the employees say is this, that they require a certain minimum living wage for their maintenance, and if you want people to do their work properly, you must give them a certain minimum living wage; and it is no business of the employees to suggest to you from what source the money should come. If you want suggestions to come from the employees as regards the money, then certainly you should hand your Department over to these employees who are asking for better conditions of service.

Sir, I shall only make one suggestion to the Honourable Member before I sit down. Let him make up his mind to improve the conditions of the men of his Department. I am very glad that he admits that his men are sweated. Therefore, he should try his very best to secure money from the Finance Department, and then if he cannot give what the employees ask for, let him at least give them something which will be substantial, which they will prize very highly. Your proposals are something; I do not say they are nothing; they give some relief to the employee but they want, in the first place, a substantial addition to their salaries, say Rs. 5 or Rs. 3 a month. The expenditure will not be so high that Government will not be able to find the money. The House has just pointed out to Government that there are ways in which some of the money

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may be saved, and money may be found. I therefore think that the Honourable Member should consider the grievances of the postal employees very sympathetically, and when he gives relief, he should see that the men get the relief in the way in which they want it. I hope, Sir, the House will accept my motion.

**Dr. K. G. Lohokare:** Sir, I will not repeat the points taken by my friend Mr. Joshi, and I will just draw the attention of the House to some other points. In the case of the local allowances, I may point out that Local Governments have granted local allowances in many places. It is because of the dearer conditions of living that these local allowances have been given. It is very desirable that all subordinate officials should be treated in the same way, and therefore I would request the Member in charge to sanction such local allowances for the postal employees. In my own place, Poona, a local allowance is given by the Local Government to all the other subordinates of the province, but the postal people have not got that local allowance yet.

Secondly, Sir, the case of the Railway Mail Service sorters really deserves special sympathy. They have to travel and be out of their homes for more than 16 or 17 days in a month. They have to find their food in places where it is not so cheap at railway stations and hotels. As human beings they have to take fresh food and we all know that fresh food in a strange place always costs something more than it would cost them in their own homes. Some sort of travelling allowance for the days they travel away from their homes is therefore absolutely necessary. The question of the scale of pay appropriate to their service conditions of continuous travel and work by night is yet under consideration, but till then I wish at least that some consideration should be shown to these men.

Lastly, there is the case of village postmen who have to be away from their homes on duty. Some sort of extra allowance to cover the cost of dearer food in places far from their own homes is absolutely necessary in these cases too. The question of equalising the pay of the Railway Mail Service with that of the Post Office is mentioned as being yet under consideration in the reply given by the Honourable Member to the Railway Mail Service and the Postal Union. I hope, Sir, that the further examination of their case and the decision thereon will soon come to termination and that the Honourable Member will give some consideration to the points that I have just mentioned. With these few words, Sir, I support the motion moved by Mr. Joshi.

**The Honourable Sir Bhupendra Nath Mitra:** Sir, if I may say so, I am between the devil and the deep sea. (*Maulvi Muhammad Yaqub:* "Who is the devil and who is the deep sea?") My Honourable friend, Mr. Rama Aiyangar, wanted to cut my demand under Working Expenses, etc., of the Postal and Telegraph Department by 50 lakhs, which as I said in that connection would have paralysed the work and efficiency of the Department. My Honourable friends, Mr. Joshi and Dr. Lohokare, on the other hand want me to raise everybody's pay. I think Mr. Joshi said that I ought to raise everybody's pay by Rs. 5 a month. Now there are about 100,000 employees in the Post and Telegraph Department, and if I were to accept Mr. Joshi's suggestion, I would have to ask my friend Mr. Rama Aiyangar to give me another 50 lakhs instead of taking away the 50 lakhs he wanted to.

I think at the outset it is my duty to remove a misapprehension which Mr. Joshi seems to have fallen into. He has quoted me as saying that the staff in the Postal and Telegraph Department is sweated. I do not recollect having made any such statement. I said I refused to agree to Mr. Rama Aiyangar's cut as its inevitable result would be the sweating of staff in the Postal and Telegraph Department. I am afraid there is another slip in Mr. Joshi's speech. He said that the House last year passed a Resolution recommending the appointment of a committee to examine the grievances of the postal staff. The debate on the Resolution took place on the 12th February, 1925, but the House did not pass the Resolution.

**Mr. N. M. Joshi:** But you agreed to the inquiry.

**The Honourable Sir Bhupendra Nath Mitra:** Not to an inquiry by a committee, which is quite a different matter. I said I would personally go into these grievances of the subordinate employees; I never agreed to a committee.

Now, Sir, I shall deal with one or two specific points referred to by my friend Mr. Joshi and also incidentally by my friend Dr. Lohokare. The first point is this. Mr. Joshi takes exception to a comparison between the rates of pay of the postal subordinates and those of the local employees of Government. He said that the postal subordinate has got to work 8 hours while the others work only 6 and that the postal subordinates have got fewer holidays. Now I have made some investigations in the matter and I have found for example that the clerks in Madras in the mofussil begin on a pay of Rs. 35 and the maximum to which they can rise is Rs. 60. The postal clerk outside the city of Madras starts on a pay of Rs. 35 but goes up, by the automatic operation of the time-scale to Rs. 120 which is double the maximum rate of pay received by the Local Government clerk. Now is not that sufficient recompense for the longer hours of work undertaken by the postal clerk and for the loss of his holidays? We then come to the city of Madras to which my Honourable friend Mr. Joshi specifically referred. Now there the Local Government's clerks start on Rs. 40 and rise to Rs. 65. Well, in the revised rates of pay which I placed before the Standing Finance Committee, I proposed a rate of pay of Rs. 40—5—100—4—140 and this was agreed to by the Standing Finance Committee. Now, Sir, there again the maximum is much higher than is allowed by the Madras Government to its own clerks, and is not that adequate remuneration? Mr. Joshi has next referred to the fact that in the revised rates of pay for Madras the minimum has been reduced from Rs. 45 to Rs. 40. Now, Sir, that is perfectly correct, the position being that, whereas under the old scale a postal clerk used to draw Rs. 45 in the first 2 years of service, under the new rate of pay he will draw Rs. 40 in the first year and Rs. 45 in the second year. But the reduction in the initial rate of pay is not likely to affect any existing incumbent: it applies to future recruits. I could not justify a higher minimum than Rs. 40 for the postal clerk in Madras, in view of the fact that the clerks in the Civil Accounts offices who before the war were getting the same minimum as clerks in the Post Office are now started on a minimum of Rs. 40. That is my explanation for the reduction that has been made in the initial pay of the postal clerk in Madras city. At the same time the revised rate of

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pay will enable him to rise up to his maximum in a shorter period than the existing time-scale rate. Mr. Joshi then referred to the postman in Bombay. He said that the minimum pay of the postman in Bombay is Rs. 27 *plus* a house rent of Rs. 7—total Rs. 34. He omitted to mention that the maximum pay is Rs. 45. If he reaches his maximum he gets Rs. 52 including the house rent. Further he is entitled to pension on the superior scale; and I do not know what justification Mr. Joshi had for his statement that very few of these people live to get a pension.

**Mr. N. M. Joshi:** I wanted an investigation into the facts, which I have been refused so many times.

**The Honourable Sir Bhupendra Nath Mitra:** Well I have no recollection of that at the present moment. Mr. Joshi then talked about the inferior servants. Well, I think what he stated in that connection is not entirely correct. Under our pension rules we have classed certain officers as superior officers for the purpose of those rules and certain officers are classed as inferior; and runners, by whatever name you may call them, will be classed under the rules as inferior servants. That is the position. If we want to give the runners pension on the superior scale there are numbers of other servants of Government in various other departments whose claim to pension on the superior scale cannot possibly be refused.

Dr. Lohokare referred to the case of the Railway Mail Service sorters. I have heard from Mr. Rama Aiyangar that with reference to a recommendation of the Ryan Committee the rates of pay of these men should be reduced. Well, the position is a complicated one. It may be possible to reduce the pay of a certain number of appointments, not of the existing incumbents but of future recruits, but until we have examined the matter fully it is not possible for me to make any proposals for the increase of pay of the other clerks and sorters of the Railway Mail Service. Dr. Lohokare also referred to certain disabilities under which Railway Mail Service clerks and village postmen labour, inasmuch as they have to tour constantly. There may be those disabilities, but I should remind him of the fact that the Postal Committee of 1920 took those disabilities into account specifically before they recommended for them the rates of pay which they proposed. Still, as I made it clear in the memorandum which went before the Standing Finance Committee and also in the document which was placed before this House some days ago, I have not yet completed my examination of all these grievances and therefore it is not possible for me at the present moment to say more on this subject.

**Mr. President:** The question is:

“That the Demand under the head ‘Indian Postal and Telegraph Department’ be reduced by Rs. 1,000.”

The motion was negatived.

**Mr. President:** As a result of this vote, motions Nos. 48, 49, 50, 53, 54 and 55 drop out.



*Amounts to be credited to postal revenue for services rendered.*

**Mr. K. Rama Aiyangar:** Sir, on motion No. 56 I shall have only a few words to say. I move:

“That the Demand under the head ‘Indian Postal and Telegraph Department’ be reduced by Rs. 100.”

The object of this motion is to draw the attention of the Government to the fact that many items of credit that ought to be given to the Post and Telegraph Department are not being given credit to. The main items which I would ask the Honourable Member in charge to take note of and immediately try to give credit to are (1) share of marine subsidies and (2) of services rendered to Native States. Up till 1923-24, 4·97 and 9·19 lakhs were given credit to to the Department. Now there is no credit given to the Department under this head. I want that this may be done. In the course of the previous discussion we found also that the Departments which receive benefit from the Postal and Telegraph Department should contribute. I know on a previous occasion it was tried to be explained away but I do not think it should be allowed to lie like that. The second item is under the Savings Bank account. There is a credit of 2½ lakhs which ought to be given further, for this reason. I find that since 1923-24 there has been an increase in the total transactions of the Savings Bank but there is no proportionate credit given. 23·18 was the amount that was credited to the Postal Department some time ago. It is only 20·51 now though there is 6 per cent. more of transactions. I want that matter to be looked into and proper credit given. Then turning to the portion given to the civil departments, the amount has been increased from 19 to 45 lakhs. I submit, Sir, that in ordinary calculations it is not possible to justify this jump. This has been done only last year. What calculation was made to increase it from the smaller amount to the higher, I cannot follow, but I do contend that, if there is any reason why it should be so, it will be well to explain the position of the Government in the matter. Another point that I want to place before the Government is the question whether they are giving full credit to the revenue on the postal side as compared with telegraph, because taking the lowest rates for the total transactions in the Postal Department I find that the credit to be given to the Postal Department alone will be 6·27 crores but credit is only given for 5·37. There is more credit given to the Telegraph Department than ought to be given, because the postal articles if they are calculated would give much more. The reasons for it will have to be investigated and proper decision arrived at. These are the several items which I want to place before the Government to look into, so that proper credit may be given to the Postal Department.

**The Honourable Sir Bhupendra Nath Mitra:** The various matters to which my Honourable friend refers have already been looked into by Government. His first point is that the Postal Department has now ceased to receive certain credits which used to be taken two or three years ago in the Administration Report of the Department, for services rendered to the Marine Department and to Indian States. The matter was very carefully examined by me last year with the help of the Financial Adviser, and I was satisfied that the statements made in the Administration Reports were unfounded. The first item refers to payments made to certain shipping companies and these payments are no more than what the Department must incur for the services it wants to maintain. The second item

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refers to certain payments to Indian States for the taking over by the Department of the postal work in the areas of the States. That arrangement has developed the business of the Department and is bringing it additional revenue. It would be impossible now to say whether the arrangement taken as a whole is resulting in any net loss or any net gain larger than the transactions of the Department taken as a whole. Mr. Rama Aiyangar's next point is that the credit which the Department receives in connection with the management of post office savings banks is inadequate. Well, I did not catch his figures, but I find as a matter of fact that the credit has gone up from 19.75 lakhs in 1924-25 to 22.12 lakhs in the Budget for 1926-27. Anyhow, the credit is given with reference to a formula which had the approval of the Auditor General, and naturally it is for the Accountant General to see whether the calculation is or is not in accordance with the formula. I cannot possibly check every calculation given in this book. Mr. Rama Aiyangar's next point is in connection with the increased amount which we now pay to Provincial Governments as their share of revenue from the sale of unified postal and revenue stamps. Now the increased payment had to be conceded because it was established that the Provincial Governments had not received their proper share of the ordinary increase in revenue from this source between the year 1906—that is about 20 years ago when the figure of 19 lakhs was fixed—and 1923, when a recalculation was made. Nor had they received the benefit of the increase made in 1923 in the rate of duty on certain classes of documents on which unified stamps were used. The calculations were carefully made by the Finance Department in consultation with the Local Governments and I see no reason to doubt their accuracy. I know of course that Mr. Rama Aiyangar doubts the accuracy of all Government figures and then produces figures which are unintelligible to us. Mr. Rama Aiyangar's last point is that he questions the allocation of revenue to the Telegraph Department. Well I will explain to him the method we follow. Two weekly counts are made during the year to find out the number of telegrams, and the revenue from them, during those two weeks. On the basis of those figures, and a proportionate computation, the share of the revenue to be credited to the telegraph branch of the Department is worked out. Here again the calculation is made by the Accounts people and I have no reason to doubt that their calculations are in any way inaccurate.

**Mr. K. Rama Aiyangar:** I beg leave to withdraw my amendment.

The motion was, by leave of the Assembly, withdrawn.

*Cost of agency in the Telegraph Department.*

**Diwan Bahadur T. Rangachariar:** Sir, I only wish to emphasise three points in connection with my motion No. 59 which is already receiving the attention of the department. It appears to me that we are working the Telegraphs and Telephones at a loss. In the last year and in the coming year we are in fact budgetting for a loss of nearly 30 lakhs under Telegraphs, and it appears to me that we must examine the cost of the agency carefully. There are two matters pointed out by the Ryan Committee which I think important, namely, whether we are not maintaining a larger

ratio of operators in comparison with the number of messages sent. The present number of messages per operator is I think 42,000; whereas the Ryan Committee calculate that 47,000 messages can be safely calculated as a basis for the number of operators required. That will give a very large saving indeed. In fact I remember in the Telegraph Committee of 1921 I handed to the Department a letter which I received as President of that Committee from an operator himself. He showed the various ways in which the operators are not doing such work as they ought to do. I handed it along with my report. The letter showed the various ways in which the operators evade work. Therefore, it seems to me that while the employees require larger wages we must expect at least a reasonable output from them. Even on the basis of 42,000 messages per operator, we have more operators than are needed. I find from the last administration report that 3,092 telegraphists are entertained. I do not know what the present number is as I have not been able to get at the figure; but even calculating it on the 42,000 messages basis, the number is too large. In fact the Retrenchment Committee pointed that out at page 94 of their Report, and I am glad to note that the Ryan Committee have not lost sight of it and are also emphasising the point, that the proportion of operators to the number of messages is unduly large. The second point which they emphasise is as regards the proportion between general service telegraphists and station service telegraphists. The proportion is unduly large. We are now maintaining 80 per cent. for the general service, which is a very costly business, and only 20 per cent. for station service. I do not think that now-a-days transfers are needed from province to province. You can get recruits in most of the provinces as telegraphists and I do not think the exigencies of the service require such a large proportion of general service men. General service is a very costly and troublesome service to deal with, and the Honourable Member will, I am sure, share that view. I therefore think that it would be as well, as recommended by the Ryan Committee, that the proportion should be 50 and 50 between the general and station services. 80 to 20 is unduly large, and I think considerations of economy require that we should effect that change. There are various other matters which are perhaps of minor importance. While I am anxious that the employees should get fair and just treatment, it is but right also that the employer should get full benefit out of the services. On these two matters I think that a careful scrutiny is needed: and if that scrutiny is carried out, I am sure the cost of the agency will not be large. It must also be remembered that with the increase in allowances or increments the cost of the Telegraph Department is bound to go up, and you cannot afford to increase the telegraph rates hereafter. You would have a universal complaint year after year from the postal side that you are sacrificing the Postal Department to benefit the Telegraph Department. Therefore, the Telegraph Department must be made to pay its own pay. It cannot be done by increasing the rates, because the increase of rates will not increase the traffic, and, on the other hand, it will be very unpopular. Therefore, the only other way of making the telegraph side pay is by looking round and seeing whether we are not maintaining too large and too costly a staff. These are the two matters which I wish to press upon the attention of Government. Sir, I move:

“That the Demand under the head ‘Indian Postal and Telegraph Department’ be reduced by Rs. 100.”

**Dr. K. G. Lohokare:** Sir, after the attempt on the part of the Finance Department to commercialize the accounts of this Department I was under the impression that they would take steps to see that the cost of this agency fulfilled the dictum of the commercial system, namely, that the working cost should be at least somewhere near the receipts. We are however, Sir, in this House in a position which makes us think or rather feel how we are placed. The official Benches, with all their paraphernalia behind them and fat salaries in their pockets, are ever prepared with whatever pretexts they find and take a delight in abusing Members who offer criticisms on subjects to which the paid Members ought to pay better attention. Sir, they are but Honourable gentlemen after all. Even if they delight in thus calling us names, I do not stoop down to that level. I simply invite the attention of the House and ask that the Honourable Members should look into the recommendations and the proposal put forward by Diwan Bahadur Rangachariar and see their way to understand that a commercial service is really commercial and not a losing concern to the State.

**The Honourable Sir Bhupendra Nath Mitra:** Sir, I owe my Honourable friend, Mr. Rangachariar, an apology for not having removed earlier in the debate a misapprehension under which he probably labours and which may to some extent have resulted also in this particular motion. In speaking on the motion for the cut of 50 lakhs he referred to the fact that the expenditure on Telegraph Traffic had increased from Rs. 1,22,56,000 in 1924-25 to Rs. 1,52,78,000 in the budget estimate of 1926-27. If my Honourable friend will turn to the details given on page 39 of the Budget, he will find that 26 lakhs of this increase arises from the fact that since 1925-26 we have been allocating to the Telegraph Traffic head a portion of the cost of the combined offices. This share used not to be charged to that head in 1924-25. But as our allocation is becoming more complete, charges of this sort have to be debited to that head. Therefore the real increase in expenditure under the head between the budget estimate of 1926-27 and the actuals for 1924-25 amounts to only about 4 lakhs. That is due to traffic conditions and to the increments to which my friend referred just now.

My Honourable friend also suggested that steps should be taken to see that the departmental telegraphist puts in his proper outturn of work. Well, steps are taken by the employment of supervising officers, etc., to secure that object. Here again there is another point which I had overlooked in dealing with my Honourable friend, Mr. Rama Aiyangar, before. The Ryan Committee did recommend that the annual outturn should be raised to 47,000 messages per operator, but they said—a point which my friend has overlooked—that this was to be done in large offices only. As it would have been inconvenient to adopt one standard for large offices and another standard for small offices, on the advice of the Director General, Government adopted a standard of 45,000 messages for all offices.

Now the next question to which my Honourable friend Mr. Rangachariar referred was the excess in the strength of the departmental telegraphists. Well, I admit that a certain amount of excess does exist. My friend, Mr. Rama Aiyangar, worked it out, and he gave it at about 300. I do not think that it is even as high as that. (*Mr. K. Rama Aiyangar: "240".*) Well, it is not a very large excess, and I am not sure that the excess is as much as 240. The only way you can get rid of that excess immediately would be by sending these men on to the pension list.

**Diwan Bahadur T. Rangachariar:** Do not fill up vacancies.

**The Honourable Sir Bhupendra Nath Mitra:** In fact the whole question of the future cadre of these departmental telegraphists is now under careful examination.

Then my Honourable friend also referred to the necessity from the point of view of a commercial department of accepting as early as possible that recommendation of the Ryan Committee which refers to the increase in the strength of the local service departmental telegraphists. There again the matter is receiving our anxious and careful consideration. At the same time I think it is only proper that I should tell my friend that the local service telegraphists are at the present moment agitating to get the rate of pay which the general service telegraphists are receiving, and the Telegraph Association at one of their interviews with me warned me that we should have to concede the increase of pay sooner or later.

**\*Diwan Bahadur M. Ramachandra Rao:** Sir, I should like to ask the Honourable Member in charge of the Department what his future policy is going to be in regard to the vacancies that are likely to arise in the general service. He has told us nothing on that matter. The Ryan Committee has made a distinct recommendation that the combined post offices should be extended, and that as far as possible the cadre of the general service should be curtailed. I ask the Honourable Member what will be the future policy of the Government of India in regard to this matter. The Report has been before them now for some considerable time, and I know, Sir, that we have every reason to be satisfied with the way in which public business is conducted even by the Government of India. So I shall bring up that matter at a later stage of these proceedings, if I get a chance. I ask the Honourable Member definitely to state that he will not recruit to the general service till he comes to a final decision on this matter; otherwise you will be merely perpetuating the increase of a cadre which did not receive the approval of the Ryan Committee. Our difficulty in regard to these matters is that the consideration of these things goes on merrily for some years between the Departments, and thereby the existing state of things is accentuated, and the scales of pay and cadres about which recommendations have been made are continued.

**Diwan Bahadur T. Rangachariar:** And vested interests are created.

**Diwan Bahadur M. Ramachandra Rao:** Of course my Honourable friend referred to the agitation of the local service men to get the same scales of pay as the general service men. One of our difficulties is that we here represent no particular service or no particular set of public servants. We are here on behalf of the people to see that they are not unduly taxed for running the administration. We are perfectly willing to consider any reasonable proposals. Of course we had the spectacle of the Lee Commission. So far as the Military services are concerned, their charge is Rs. 50 lakhs without one word in this House. Now, all public services are coming up, are agitating and I know the Honourable Member had considerable trouble in the interview which he had with telegraphists in Calcutta. We are anxious for economy and every possible step ought to be taken for keeping this cost of running the public administration at as low a level as possible. The Honourable

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\*Speech not corrected by the Honourable Member.

[Diwan Bahadur M. Ramachandra Rao.]

Sir Basil Blackett and every Member of Government is aware that our taxation is still at the same rate as it was in 1922-23. I want a definite statement from my Honourable friend that, so far as the future is concerned, he will not recruit to the general service cadre and will not fill up those vacancies till he comes to a decision.

**The Honourable Sir Bhupendra Nath Mitra:** Sir, my recollection is that I stated on the floor of this House some time ago that recruitment to the ranks of departmental telegraphists,—general service telegraphists,—has been stopped except to the limited extent that is necessary to meet certain commitments of Government for two years. I think I said that in reply to a question some months ago. That is my recollection.

**Diwan Bahadur M. Ramachandra Rao:** Is that commercialisation?

**The Honourable Sir Bhupendra Nath Mitra:** If we have some commitments, we must honour those commitments. Apart from that, we have stopped recruitment.

**Diwan Bahadur T. Rangachariar:** When do those commitments expire?

**The Honourable Sir Bhupendra Nath Mitra:** I believe they will expire next year. About the other question which my friend asked about the local service telegraphists, the position is perfectly simple. If it becomes necessary that their pay should be increased, the matter will go before the Standing Finance Committee. Nothing certainly will be done until they have approved of any proposals in this connection.

**Diwan Bahadur M. Ramachandra Rao:** What about the extension of the combined system?

**The Honourable Sir Bhupendra Nath Mitra:** I have said about that in the document placed on the table of this House some time ago that in principle Government accepts it.

**Diwan Bahadur M. Ramachandra Rao:** In practice you would not care to do anything.

**The Honourable Sir Bhupendra Nath Mitra:** My Honourable friend does not realise the position. The position is one fraught with difficulties and we have to tackle it carefully. It is impossible to order by a stroke of the pen that so many offices should be converted from the departmental to the combined category. In the first place, what about the men? As I told my Honourable friend Diwan Bahadur Rangachariar, there are a certain number of men who will become surplus. What are you going to do with those surplus men? Are you going to pension them? I believe my friend Mr. Rama Aiyangar admitted that it was better to keep them instead of pensioning them and putting in their place postal clerks to do the work in the combined office.

**Diwan Bahadur T. Rangachariar:** I beg leave to withdraw the motion.

The motion was, by leave of the Assembly, withdrawn.

*Grievances of the Engineering Branch of the Telegraph Department.*

**Lieutenant-Colonel H. A. J. Gidney** (Nominated: Anglo-Indians): Sir, my remarks will be very few in moving the motion, which stands in my name:

"That the Demand under the head 'Indian Postal and Telegraph Department' be reduced by Rs. 100."

My object is to obtain from Government a definite statement regarding the policy of working the Engineering Branch of the Telegraph Department. The question has arisen, Sir, in certain recent changes that were introduced in the Bombay and Central Circles, where a body of senior officers of the status of Directors in the superior Telegraph Engineering Department have been placed under the orders of the Postmasters General. These officers, Sir, are possessed of highly technical knowledge and they are of equal status as Postmasters General. To place them under the orders of officers of equal rank and status is naturally distasteful to them. When the amalgamation of the Post and Telegraph Departments took place in 1914, the Government of India gave, I believe, certain pledges regarding the interests, pay and prospects of all engineering officers and promised that those interests and prospects would be safeguarded in any changes that might be introduced in the future. The new scheme now introduced certainly does lower the prestige of these officers in comparison with other departmental men such as Postmasters General. It certainly does affect their personal and vested interests, and, I understand, it has given cause to a feeling of great discontent and hardship amongst the men. In 1924 a committee of inquiry, the Ryan Committee, was appointed, to inquire into the working of the Post and Telegraph Departments with the intention of effecting economy by a reorganisation of these Departments. Amongst the many suggestions made one was that it was the considered opinion of this Committee that any further amalgamation between the Post and Telegraph Departments was to be deprecated, in so far as it is attended with very serious practical difficulties many of them being insuperable. I understand that Mr. Roy, whose absence here to-day we regret, as Director General of this Department, expressed himself in no uncertain terms in regard to this very same matter. I believe on page 8 of his report he quoted the evidence or statements of six other Postmasters General who were very definitely of opinion that any further amalgamation between these two Departments was not desirable, indeed, I believe, the consensus of opinion among Postmasters General is that it would be distinctly unworkable and undesirable to burden the non-technical Postmasters General with the highly technical work of these superior engineering officers. It will, therefore, be very interesting, Sir, to know, why, in spite of this mass of expert advice of senior and responsible officers—why, in the face of this condemnation as expressed by the Ryan Committee, this new procedure has now been adopted and who is responsible for its introduction. It is well known that superior officers in the Telegraph Engineering Department have from time to time been employed as Postmasters General and worked satisfactorily as such. Indeed, Mr. Roy, a superior Telegraph Engineering Officer, is to-day Director General of the Post and Telegraph Departments. Would it not, I ask, be a more economical and more efficient arrangement if such officers were placed in charge of unified circles, such as exist to-day, I understand, in Burma, and in Sind and Baluchistan on a smaller scale? It must be obvious to Members of this House that it will be very easy for these Engineering Officers, technical officers as they are, to pick up the easier postal work required



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from Postmasters General. On the other hand, it is obviously impossible for non-technical officers, as Postmasters General undoubtedly are, to pick up the highly technical knowledge required to administer the work of superior engineering officers. I await a reply from the Honourable Member on this matter. The other point, I desire to refer to is this. Is it not Government's policy to replace the I. C. S. element as Postmasters General in the Postal and Telegraph Departments by departmental officers? I know it has been declared that it is. But what I want to know is what steps are to-day being taken to give effect to that policy. These are the two reasons why I move this cut of Rs. 100.

**The Honourable Sir Bhupendra Nath Mitra:** Sir, my Honourable friend Colonel Gidney was not wholly correct in the statement with which he began his speech. In the Central Circle we had no engineering officer functioning as Director of Engineering. It is true that we have placed the engineering work in the Central Circle under the Postmaster General who is an officer of the Indian Civil Service. In Bombay, too, we have placed the Director of Circle Engineering under the Postmaster General. Now, it is true that the Ryan Committee made certain statements in regard to further amalgamation of the work of the department. My Honourable and gallant friend is not, however, quite correct in stating that Mr. G. P. Roy shared those views. Mr. Roy's views as given in his separate note, were somewhat different. As a matter of fact, he supported further amalgamation, though his idea was the same as was referred to by Colonel Gidney later on in his speech, that the amalgamated circle should be placed mostly under telegraph engineering officers. Well, Sir, here is a question of vested interests. If you want to place all these amalgamated circles under the telegraph engineering officers, surely the postal officers will have a grievance. Anyhow, when I read the report and Mr. Roy's note, I came to the conclusion that here was a possibility of further economy, if not in the immediate future at least in the distant future. And out of this initial economy it may be possible to effect other economies. Therefore, we decided as an experimental measure to try this system in two circles in order to see whether the Postmaster General cannot be placed in combined charge of all the duties in his Circle, such as postal traffic, telegraph traffic and telegraph engineering. Until that experiment is proceeded with further it is impossible for us to say what its results will be. My Honourable friend Colonel Gidney seemed to assume that the work will not be efficiently conducted. That is begging the question. Even now I have every reason to believe that in one Circle the work is being done very efficiently and the same thing may happen in the other Circles. If the experiment succeeds, it will be possible for us to reduce a certain number of highly paid appointments and thus secure economies.

- **Lieutenant-Colonel H. A. J. Gidney:** Is it the policy of the Government to interfere with the vested interests of these officers? I desire to know this clearly and definitely.

**The Honourable Sir Bhupendra Nath Mitra:** Sir, there is no question of interfering with vested interests. The officers recruited before 1914 have been guaranteed certain appointments carrying special rates of pay. There will be no interference with those appointments. The other complaint made was that an officer drawing the pay of a Director of an Engineering Circle has to work under a Postmaster General belonging to the



Indian Civil Service. That, Sir, is a purely sentimental grievance. Similarly, the Chief Engineer has got to work under the Director General, Posts and Telegraphs. Sir, that is the position. Now, Colonel Gidney also wanted to know—he wanted to have an assurance from me—that appointments now held by Postmasters General belonging to the Indian Civil Service should be transferred to engineering officers.

**Lieutenant-Colonel H. A. J. Gidney:** I never made that statement.

**The Honourable Sir Bhupendra Nath Mitra:** Then, he probably meant that these appointments should be transferred to departmental officers. I am not in a position yet to make any statement on the subject.

**Lieutenant-Colonel H. A. J. Gidney:** Sir, I did not make that statement exactly. I wanted to know when the policy of the Government to replace the Indian Civil Service officers in the Posts and Telegraphs by the departmental men was going to be put into further operation.

**The Honourable Sir Bhupendra Nath Mitra:** I do not know if that is the declared policy. I do not understand Col. Gidney.

**Lieutenant-Colonel H. A. J. Gidney:** Sir, after the remarks made by the Honourable Member, I beg to withdraw my motion.

The motion was, by leave of the Assembly, withdrawn

*(Unsatisfactory postal service in rural areas.)*

**Captain Ajan Khan** (Punjab Nominated Non-Official): Sir, the motion 6 P.M. that stands in my name runs as follows.

“That the Demand under the head ‘Indian Postal and Telegraph Department’ be reduced by Rs. 5.”

I would not like, at this late hour, to inflict a long speech on the House and I will try to explain my grievances in very few words. Sir, the rural areas are served with their mails twice a week. The dāk generally is sent from a small town sub-post office which is at a distance of 5 or 6 miles from the farthest village in its area. Sir, when one thinks of the improvements which have been effected of late, for the expeditious conveyance of letters in big towns, one becomes very dissatisfied with the way in which the rural areas are served by the Postal Department. The system of Postal service in the rural areas twice a week is, as far as I can remember, 40 years old. Though many improvements have been made in the urban areas for the expeditious conveyance of mails such as motor lorries and well dressed postal ponies, yet so far as rural areas are concerned, there is no display of this zeal and energy. I really wonder if the Honourable Member in charge has any scheme for improving the postal service in the rural areas at all, because no improvement has been made for a very long time. I am told, Sir, that out of the postal income of a village or group of villages 62½ per cent. goes towards overhead charges which includes all expenses, and 37½ per cent. is the saving to the Government. Taking this income into consideration, I think most of the groups of villages should be entitled to have a small branch post office from which they could be served with the daily delivery of mails. But, Sir, the commercialization of the Postal Department has brought in another standard which, I think, will be very difficult to fulfil. It is this that over and above the existing postal income of a village or group of villages, there should be an increase of Rs. 32 a month before a new branch post office could be opened. Sir, this is rather an impossible standard to attain and I fear it will be very difficult to increase the postal earnings from a village or a group of villages by Rs. 32 a

[Captain Ajab Khan.]

month. Sir, even if a scheme can be drawn up by means of which deliveries of mails may be made in the villages every second day, it would give some satisfaction. But the system prevalent in rural areas has been stationary for the last forty years; and this means no credit to the Department concerned.

**Nawab Sir Sahibzada Abdul Qaiyum** (North West Frontier Province: Nominated Non-Official): Are you sure of the bi-weekly service?

**Captain Ajab Khan:** I am quite sure.

**Nawab Sir Sahibzada Abdul Qaiyum:** Many of these rural areas get their mails only once a week.

**Captain Ajab Khan:** Then you are even more backward. That is not the case in the Punjab.

**Sardar Bahadur Captain Hira Singh Brar** (Punjab: Nominated Non-Official): Sir, I never get my letters unless I send for them.

**Captain Ajab Khan:** You are still worse off. Sir, the people living in the villages are subjected to all the negligent treatment of Government, for instance, sanitation and communications, but the Post Office has also not lagged behind in neglecting them. I hope the Honourable Member in charge will take a favourable view of the plight of these rural areas and will extend his patronage to them.

**The Honourable Sir Bhupendra Nath Mitra:** Sir, I found a little difficulty in following my Honourable and gallant friend. It seemed at one stage that he was referring to the question of more rapid opening of post offices in rural areas. If that was his point I may tell him that we have found it possible to provide a somewhat larger grant for this purpose in the Budget for 1926-27 than in the Budget for 1925-26. On the other hand it is quite possible that what he really wanted is that we should improve the arrangements regarding delivery in those rural areas. In fact he at one stage said that the letters instead of being delivered twice every week might be delivered once every two days. If that is his point I am afraid it is not possible to meet his wishes because that would mean very considerable increase of expenditure; and in view of what I have heard in this House before, I am pretty sure that that will not meet with much sympathy in this House. I did not understand at all some of my friend's figures when he said that we make a profit of Rs. 50 out of Rs. 100 received at these village post offices. I think Sir Geoffrey Clarke took considerable trouble last session in explaining that these village post offices do not pay, and that they cost us more than the revenue they bring in.

**Mr. President:** The question is:

"That the Demand under the head 'Indian Postal and Telegraph Department' be reduced by Rs. 5."

The motion was negatived.

**Mr. President:** The question is:

"That a sum not exceeding Rs. 10,29,48,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1927, in respect of the 'Indian Postal and Telegraph Department'."

The motion was adopted.

## DEMAND No. 24—INDO-EUROPEAN TELEGRAPH DEPARTMENT.

**The Honourable Sir Basil Blackett:** Sir, I beg to move:

“That a sum not exceeding Rs. 33,29,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1927, in respect of the ‘Indo-European Telegraph Department’.”

The motion was adopted.

## DEMAND No. 25—INTEREST ON DEBT AND REDUCTION OR AVOIDANCE OF DEBT.

**The Honourable Sir Basil Blackett:** Sir, I do not know whether I might suggest what I believe to be the opinion of the House that we have done enough for to-day, before I proceed to move the next vote. I beg to move:

“That a sum not exceeding Rs. 94,40,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1927, in respect of ‘Interest on Debt, and Reduction or Avoidance of Debt’.”

**Mr. K. Rama Aiyangar:** Sir, I beg to move:

“That the Demand under the head ‘Interest on Debt and Reduction or Avoidance of Debt’ be reduced by Rs. 88,06,000.”

That is the votable portion of that Demand, Sir.

I should think that, fortunately for the Finance Member, and unfortunately for the tax-payer, somehow or other this question, on which the Members on this side of the House are agreed, has not been carried against the Government though we tried to do it last year and are again attempting it by this motion this year. Honourable Members might remember that there was a good deal of discussion on this last year, and you, Sir, took a leading part in the discussion. I know that we are weaker to-day than we were last year, but all the same I adhere to my motto that we shall always press what we feel must be pressed, leaving it to the Government to do the right thing or not, as they please. I do contend, Sir, that this provision . . . . .

**An Honourable Member:** Have we got a quorum, Sir?

**Mr. President:** The House stands adjourned till 11 O'clock to-morrow morning.

The Assembly then adjourned till Eleven of the Clock on Thursday, the 11th March, 1926.



# LEGISLATIVE ASSEMBLY.

Thursday, 11th March, 1926.

The Assembly met in the Assembly Chamber at Eleven of the Clock, Mr. President in the Chair.

## THE GENERAL BUDGET—LIST OF DEMANDS—*contd.*

### SECOND STAGE—*contd.*

#### *Expenditure from Revenue—contd.*

#### DEMAND NO. 25—INTEREST ON DEBT AND REDUCTION OR AVOIDANCE OF DEBT—*contd.*

**Mr. President:** The motion before the House is—

“ That the Demand under the head ‘ Interest on Debt and Reduction or Avoidance of Debt ’ be reduced by Rs. 88,06,000 ”

**Mr. K. Rama Aiyangar** (Madura and Ramnad *cum* Tinnevely: Non-Muhammadan Rural): Sir, I was just speaking yesterday, on that motion of mine that the Demand under the head “ Interest on Debt and Reduction or Avoidance of Debt ” be reduced by Rs. 88,06,000. I will explain how the amount is made up. If a reference is made to page 16 of the Explanatory Memorandum of the Finance Secretary it will show that the total amount provided is Rs. 498·63 lakhs of which it has been put down there that Rs. 486·57 lakhs is obligatory, but Rs. 16 lakhs out of that is mentioned as reparations payment. The Honourable the Finance Member proposes to place before this House a Resolution in respect of that, but, pending that, I take it as a portion votable by this House, and I want an extra provision over and above the amount that includes Rs. 72·06 lakhs and Rs. 16 lakhs here making a total Rs. 88·06 lakhs. I think it is unnecessary for me to deal at length with the subject because we had more than one debate in this House on this matter last year. As I said yesterday, it was by a chance, by a difference among the leading parties in this House that the reduction that was proposed, which was in one case Rs. 138 lakhs, and in the other Rs. 77 lakhs, could not be carried last year, and that was availed of by the Honourable the Finance Member to introduce in his Budget this year a sentence that it was the wise decision of the Assembly that enabled him to make the necessary provision. He did not claim credit for his side, nor did he claim credit for the other sides. I do not want to refer to the question in detail, for the principles on which the thing has to be worked out have been discussed by you and others at great length, and the Honourable Sir Basil Blackett has tried to place his view before us in the best form possible, so that we may take it now that this side of the House is almost agreed that there should be no more

[Mr. K. Rama Aiyangar.]

provision made than the amount that was referred to by the Honourable Member in his speech delivered on the 29th February, 1924, in which he said that the sums actually required during the next five years in which he takes note of all the circumstances would be:

					Rs.
1924-25	...	...	...	...	3.66 crores.
1925-26	...	...	...	...	3.84 „
1926-27	...	...	...	...	4.04 „
1927-28	...	...	...	...	4.24 „
1928-29	...	...	...	...	4.45 „

But now owing to subsequent events it happens that the obligatory payment comes in his view to Rs. 410 lakhs instead of 404 lakhs that was referred to in his speech. I do not want to raise the question again of any portion of this amount being votable or non-votable, nor do I want to allow the Honourable Member to refer to the raid on sinking funds. For the present purposes we need not go into that controversy, though I want to say that that controversy cannot be taken to have come to an end. The circumstances that will have to be taken into account in making a real provision for reduction or avoidance of debt will have to be gone into and decided upon later. A Committee which was almost agreed to last year was not appointed owing to the nearness of the presentation of the Budget and we expected this year that the Honourable the Finance Member would have appointed one before he introduced his Budget this month. He might have taken into his confidence the leaders of the parties and had a discussion to decide upon the course of action to be taken. He has not chosen to do so. On the other hand, he took advantage of the difference between the parties last year to use that Resolution for his purposes. It may be possible even this year for him to do so in the way he did it last year, but I want to make it clear that this matter must not be deemed to have come to an end. If not to-day another time will come when this question will have to be gone into in detail.

The first point in this matter is to refer to the debt position that was dealt with by the Honourable Member in his budget speech. He seems to have been extraordinarily merry over his capacity to make the financial position of India much better than it was a few years back. But one point that you note in his speech is that whatever looked gloomy in the horizon of the Indian financial sky has disappeared. His speech shows that his attempt at converting loans was successful and that all the other circumstances that are required for placing the Indian financial position on a considerably safe level have been achieved and he has discussed the whole position in a way to make one see that he feels that the Indian financial situation is much better than that of the British finances at the present time. That being so, we can only judge of this question of provision of sinking funds in a calm atmosphere, and I suppose that the Honourable Sir Basil Blackett will deal with it in that fashion. One important argument which he has advanced in the course of his speech is that he was one of those financiers who will not make posterity pay. Of course, if that meant that he is one of those who will compel the present generation to pay extra, I agree with him. But if he meant that he will hold his scales even between the present and the future generation I submit that I must join issue with him, and I am sure he will fail to

convince any impartially minded man that he has not been unfair to the present generation. The question requires full and detailed treatment. For my present purposes it is unnecessary to go into it in detail. But I will ask him to judge of the situation more calmly because he is not now troubled with all those questions which troubled him last year. He had to find lots of money in the course of the last few years and the chances of success of his schemes were brought forward before the Assembly as reasons that compelled him not to accept the views of the Assembly. Now he is in a different position. His budget speech shows it and I therefore ask him to consider what he has been doing these 2 or 3 years. I say, Sir, that in 1923-24 the usual debt provision for avoidance of debt had been increased a little. But what we found was that at the end of the year we had a surplus of 6 and odd crores caused by various reasons which I do not want to go into now. This 6 and odd crores was taken towards reduction and avoidance of debt besides 4 and odd crores provided in that year. So that the result is that in 1923-24 by the actual amounts we have been able to pay more than 10 crores of that debt and again in 1924-25 we made a provision of more than 4 crores and at the end there was a surplus, more than the revised estimate, in all of about 5 and odd crores. One of the arguments used by the Finance Member is that reduction of so many crores of debt relieves revenue which is available for purposes of the present generation. A little thought over that position will convince the Honourable Member that it is the greatest injustice to the present generation to ask them to clear off debts from the interest payable. I mean it will be a sad commentary to say that I will wipe off say 20 crores of debts and will have one crore saved for purposes of our improvements in the circumstances. That position cannot be supported if a calm view is taken of the situation. Therefore, while we need not necessarily interfere with the scheme that has been propounded by the Honourable the Finance Member, I ask him to agree with this side of the House, if there is anything more than that available each year either by way of accrued surpluses or by way of extra income, let that not be taken by him for purposes of paying debts. Let that be available for revenues, to relieve taxation wherever possible or for relief to the provinces and the country. That is what I want him to agree to. I say that the question probably will be raised by the Honourable Member that accrued surpluses should go towards redemption of debt. At the close of the year you have to adjust these debts and it is a matter merely of book adjustment, because, as has been explained by the Honourable Member in his speech, it is a question of our reducing as much as possible the unproductive debt by adjustment. Though we borrow for productive debt, the real effect of this debt reduction is that the unproductive debt is to that extent redeemed. The actual effect therefore will be, according to my scheme, like this. If by the Budget being rather pessimistic, or if by the expenditure not being carried out to the full extent, there are accrued surpluses, we shall agree that the accrued surpluses shall also go towards this payment of 4 crores, so that any amount over and above that, either in the shape of accrued surpluses or the provision for the reduction or avoidance of debt may be treated as surpluses available for distribution in subsequent years because, if you make a provision of five crores and you add more crores subsequently, that will be an unfair treatment of the interests of the present generation. I ask the Finance Member to look into it in a calm mood. Of course there are very many things that might be said about it. A miserly person hoarding his wealth when he has to

[Mr. K. Rama Aiyangar.]

leave it may not find himself very happy nor would a spendthrift who is asked to adopt prudence. Extra prudence in matters of State will not give any special credit to the member. Man will not be served, nor will God. The real duty will be to adjust matters as much as possible so that the present generation does not pay a pie more than it ought to. I have not discussed the various principles of distribution of this burden because the matter has been discussed at length but I have taken it at the lowest figure put by the Honourable Member. I want him to stick to the position that he will not take from the revenues of this country more than 4 crores till he is able to wipe off the extra taxation altogether and surpluses must be treated as available for future years. You may put it this way or that. Take out of these surpluses and the debt redemption fund five crores or keep the surpluses to the credit of the next year, so that the whole non-recurring expenditure in the case of non-recurring and recurring expenditure in the case of recurring may be provided for the subsequent years from the balances that would accrue. Stick to the position that 4 crores shall be the full amount that will go to the reduction of debt. If the Finance Member insists that over and above the four crores for some years till reduction of taxation is effected there must be a provision of one-eightieth of the extra debt, that also may be agreed to. There may not be any difficulty about it but you ought not to take away more money from any surpluses accruing because it is purely the hand of the Finance Member that decides these questions as to what these surpluses will be. This Assembly has no voice in estimating the receipts and in forcing its opinion on the Finance Member. Nor have we been able to do anything substantially with the provision for expenditure either. In these circumstances, if surpluses come, it is purely by the methods adopted by the Department and, if as a fact he is entitled to take it away for reduction of debt, it means that the present generation pays not only the amount that would be scientifically necessary for reduction or avoidance of debt as propounded by him in these three years but the extra money which ought to go to benefit this generation is also taken away for reduction and avoidance of debt, which means that this generation bears the burden which it should not justifiably be called upon to bear. That is the position that arises out of the whole discussion and I daresay the Honourable Sir Basil Blackett will this year calmly think over the position and agree that more than 4 crores either in one shape or another need not be taken. The present demand concerns itself only with an extra 88 lakhs and I therefore move that this 88 lakhs may be cut out so that it may be available for reduction of taxation. Of course I do not raise the other question of reduction of rates on postcards. The Honourable the Finance Member's speech yesterday seems to indicate that his views are very strong about it. If it is so we must certainly respect him as far as it is possible; but anyhow further reduction of taxation in some form or other must be made and I do not think it will be right on the part of the Honourable the Finance Member to insist on the whole thing being taken away. He need not insist on more than 4 crores, and I request him therefore to accept this cut of 88 lakhs.

One word more about the reparation payments that I referred to at the commencement of my speech. The income from reparations is expected to accrue for some years to come. That has been paid for by the country and by arrangement between England and the other nations we are getting



next year about 16 lakhs, and it may be more, and that will come in for some years more. I really do not see why that should not be taken away from this reduction of debt towards which it is sought to be paid; because if you have a scientific basis of debt reduction you should not add to the sums devoted for that purpose, just as you like, from other sources. If you have a scientific principle stick to it, and if additional funds are available they should be used for the benefit of the country and the poor taxpayer.

**Sardar V. N. Mutalik** (Gujarat and Deccan Sardars and Inamdars: Landholders): Sir, after the speeches generally of Mr. Rama Aiyangar very little needs to be added, and I rise only to make a few remarks on this question. Sir, the Honourable the Finance Member in his budget speech says that this House, the non-official side of this House, has recognized the wisdom of his scheme of debt redemption. Sir, if there is any credit in the scheme I think it would be advisable if the Honourable Finance Member took the whole credit to himself. If posterity judges that this scheme was a sound scheme let the whole credit go to him. I do not think that after the discussion on this point last year he has any justification for saying that this House has recognized the wisdom of the scheme. If anything, this House has definitely stated that this scheme is not a sound financial scheme. So let us not take that credit to ourselves. We shall offer the whole credit to the Honourable the Finance Member. And what does the Honourable Finance Member propose to do in this case? He wants to keep up the taxation at the same high level at which it was levied as a war measure. Sir, during the war we willingly submitted ourselves to taxation, but to keep up that level of taxation at this time is not, I think, a sound system of finance. I will summarise the results during the last three or four years. From the surpluses we have paid 13 crores and 60 lakhs; by the debt redemption scheme we have paid more than 13 crores. We have therefore paid in all more than 26 crores for debt redemption. It is said that this debt redemption redounds to the credit of India and we are able to show that our finances are sound. I do not think, Sir, that debt redemption is the only cause of our interest rate getting lower and lower. Various other factors have contributed to this lowering of the interest rates. I will only state in this connection, Sir, that the Finance Department of Great Britain has never tried to reduce their debt. I will only state the figures as they stand. In August 1914, the total liabilities were £711 millions. In 1919 they amounted to about £8,979 millions. Then in 1922 the figure went down to £7,721 millions and in January 1926, it stood at £7,800 millions. So practically there has been no reduction of the debt. The reduction in one year was due to the sale of surplus stores and recoveries from other sources.

**The Honourable Sir Basil Blackett** (Finance Member): The Honourable Member has, I think, entirely left out of account the effects of conversion. The nominal total of the debt may have been increased but there has been, as is commonly known, a very large reduction of debt in the United Kingdom.

**Sardar V. N. Mutalik**: Well, Sir, if reduction by conversion of loans is to be taken into account, you are doing the same thing here; and if you are doing the same thing I am quite sure the credit is yours. You ought to convert your high interest debt into debt at a lower rate of interest. If the Finance Department take that step the House will very gladly support the Finance Member in that. The system of debt conversion is a very

[Sardar V. N. Mutalik.]

sound one, but what you are doing is this: you are providing for debt redemption under the debt redemption scheme and are also taking all the surpluses for debt reduction. You are taking a double advantage. If you want to make provision only for debt reduction I think the best course will be not to touch the surpluses for that purpose. That ought to be applied to relief for the provinces or at least to the relief of the general tax-payer. In India you ought to relieve the general tax-payer and should not lay the heavy burden you are now laying on him under your present scheme. I do not want to take up the time of the House at this juncture as the House is rather impatient to reach another item of more importance. But I do say this, that we are not going to take the credit—whether it is credit or discredit future generations and financiers will judge. I do not think this House has accepted this policy. Sir, when the question was debated last time the Finance Member consented to speak across the table. A representative Committee was called. That Committee met, but it could not do much because the Honourable the Finance Member had no time to take it into his confidence and there was no opportunity then to consult all the Honourable Members on this side of the House. A year has gone, and the same Committee, which met the Honourable Finance Member on this point, should have been taken into his confidence and some definite understanding should have been arrived at. The scheme of the Finance Department was not evolved after consultation with this House, and I do not think that this House should be entangled, or that colour should be given to this scheme as if this House approved of the policy of the Finance Department in respect of loading the present generation with heavy taxation.

**The Honourable Sir Basil Blackett:** Sir, I am very much disappointed I did think that the clear evidence of the benefits of the policy which this House and the Government of India pursued in the last two years would have convinced Sardar Mutalik—not perhaps Mr. Rama Aiyangar—of the rightness of the course we have taken. May I just begin by pointing out to Mr. Rama Aiyangar that I think his actual motion is slightly misconceived? He wants to make a reduction of 88 lakhs. He has included in that the 16 lakhs in respect of reparation receipts. It is unnecessary for him to do that. That is a non-voted sum, or rather will become non-voted if the Finance Bill is passed as it stands. If the Finance Bill is not passed in the present form, that sum will not be applied to the reduction of debt; it will not be included; so that this is not the place at which to discuss those 16 lakhs. The only reason why it is included in the non-voted sum in the estimates is on the assumption that the Finance Bill will be passed in the form in which it at present stands. If the Finance Bill is not passed in that form, automatically that 16 lakhs cease to be applied to the reduction of debt. So I think the Honourable Member's motion should have been, on his own showing, for a cut of 72, not 88, lakhs. Mr. Rama Aiyangar made a good deal of the point or tried to make a good deal of the point that the amount that was included in the current year is something different from what was suggested by me in the year 1924. It is not. It is exactly the same. The Honourable Member quoted the figures relating to the debt actually in existence on the 31st March 1923. What I said in 1924 was that:

“We may therefore conclude that the figure of 4 crores per annum would be an adequate provision to include in our Budget expenditure for the next five years, for dealing with our existing debt”;

and I went on to say :

" I must remind the House that this figure makes no provision for the further debt which will be incurred during 1924-25 and thereafter. The criteria which I have suggested evidently require that an addition should be made each year for all new debt incurred."

I therefore proposed that we should add a figure of one-eightieth of the net addition to our debt each year. The figures that we are discussing now are the provision of 4 crores for the debt up to the end of the 31st March, 1923, *plus* one-eightieth for debt incurred since then, so that so far from there being any change from the present system, it is exactly a continuation. Mr. Rama Aiyangar said that he was quite content to accept the position laid down in 1924. He should therefore withdraw his motion.

**Mr. K. Rama Aiyangar:** In case you agree to the surplus.

**The Honourable Sir Basil Blackett:** He should agree so far as this is concerned. This has nothing to do with the surplus.

The next point that he made was that we were treating the present generation very hardly at the expense of the next. What has the present generation done? In the years 1918-19 to 1922-23, it has added 98 crores to the unproductive debt of the country. It failed to pay its way by 98 crores.

**Sardar V. N. Mutalik:** Was not that the result of the war?

**The Honourable Sir Basil Blackett:** That was nearly all of it after the war. It failed to pay its way. The present generation failed to pay its way.

**Sardar V. N. Mutalik:** As an effect of the war.

**The Honourable Sir Basil Blackett:** Very likely as an effect of the war. Is that a good reason why we should not now use the surplus to reduce debt, when we use deficits to increase it? I say that the surplus, if there is any realized at the end of the year, should at any rate go to make up to the tax-payer of the future generation some of the charges which we are putting upon him as the result of incurring deficits of practically a hundred crores in five years. The Honourable Member wants it both ways. He adds 100 crores by deficits in five years, and then because we begin to try and pay that off, he says that we are treating the present generation hardly at the expense of the next. The present generation has put a burden of 100 crores of deficits on the future generation.

**Sardar V. N. Mutalik:** We are already making provision for that.

**The Honourable Sir Basil Blackett:** That is exactly what we should do. I am entirely in agreement with the Honourable Member, but he wants to alter the scheme.

**Mr. K. Rama Aiyangar:** We do not want to give you more than 5 crores according to your own scheme.

**The Honourable Sir Basil Blackett:** My own scheme was 4 crores up to the 31st March, 1923, one-eightieth for any future debt *plus* any amount that might be realized if we have a surplus. That is the scheme. The Honourable Member is trying to make out that he does not differ from me. If so, I hope he will withdraw his motion.

[Sir Basil Blackett.]

Now the next point that he made was that because we are in a better position this year than we were last year or the year before, the fact, that, among other things, our debt redemption arrangements have had a particularly good result on our credit, justifies our going back on that. But we are only in the first stage. I pointed out to this House in February, 1925, that we had a new capital programme for new money to be spent on productive purposes year by year amounting to something like 40 crores a year for the next five or ten years. In addition we had maturing debt amounting I think at that stage to 150 crores. Last year we were able to convert 80 crores of that 150. We have still got the other 120 to complete. Does the Honourable Member want to pay an extra half per cent. interest on converting that? But that is the possible effect. If you insist on cutting the debt redemption provision and thereby do anything to destroy the immense confidence in our credit which has been created in the last few years, the net result is that you pay something extra for all the money which you borrow whether for new capital expenditure or for maturing debt. Now an addition of a half per cent. on 100 crores is a very large sum. There is no one so blind as one who will not see (Hear, hear). I am quoting Mr. Jinnah. I am glad to think that Mr. Jinnah sees even more clearly than he confesses. If we were to halt on our way at this stage, we should undoubtedly have to pay more for all the money that we have to raise in the next few years, and still more, for all the conversions that we have to effect in the next few years, for the sake of saving 50 lakhs of sinking fund this year. The Honourable Member is going to increase our interest charge by 50 lakhs two years from now. Our debt will be higher and our interest charge will be the same as it is at present just because the Honourable Member has been so short-sighted as to try and save 50 lakhs out of this year's revenue in order to apply it to some other purpose.

**Mr. K. Rama Aiyangar:** About 5 lakhs, I say.

**The Honourable Sir Basil Blackett:** I have no objection at all if the Honourable Member will vote the total sum provided in this year's figures which is just about 5 lakhs. We have this year reduced the amount to some extent by omitting the special provision for customs duties. As against that, the proposal is that reparation receipts should be included. I will not deal with the reparation receipts now, because they do not come into the picture.

Sardar Mutalik made some points which I did not quite follow about the British Government not having paid off their debt. The British Government has paid off a very large amount of debt since the war. Since the war year by year it has had considerable surpluses. This will be the first year in which there is not a surplus. All the surpluses have gone to debt. There is also an annual provision at the present moment amounting to 50 millions for sinking fund. The Honourable Member will no doubt quote figures showing what the total debt was at the end of each year. But it must be remembered that a very large amount of conversion is taking place. You had 5 per cent. bonds maturing and paid off at par and money raised by conversion loan at 75 with which to pay them off. The net result has been a reduction in interest but an increase by 83½ per cent. in the nominal total debt.

**Sardar V. N. Mutalik:** May I know from the Honourable Member, Sir, what amount exactly from the revenues have been paid for debt redemption, apart from the amounts set aside under the redemption scheme.

**The Honourable Sir Basil Blackett:** The position is straightforward. At the present time there is an annual provision of £50 millions for debt redemption in the British Budget.

**Mr. K. Rama Aiyangar:** For £8,000 millions of debt.

**The Honourable Sir Basil Blackett:** That would be 5 millions for 800 millions. We have got 5 crores for over 900. We have got rather a smaller proportion than the United Kingdom.

**Mr. K. Rama Aiyangar:** Our position is much better.

**The Honourable Sir Basil Blackett:** Very likely. The Honourable Member cannot use his argument both ways. In addition to the £50 millions a year which is set aside, all surpluses automatically go to reduction of debt. There was a surplus one year of over £200 millions; in another year over £100 millions. All that has gone automatically to reduction of debt, so that I am sure the Honourable Member will find that if he were to apply the British parallel strictly, it will be necessary to increase our total, not to decrease it. I do not say that this is an argument for doing so. I only ask him not to use the argument that the British analogy would justify reducing our figure. I will give another illustration. I was reading in the *Times* recently:

"The Swiss Federal Government has recently approved the proposals made by the Chief of the Finance Department . . . with the object of preparing for the progressive redemption of the Swiss public debt—a total of nearly 1,500 million francs. . . . Mr. Musy has set up a redemption plan which is burdening the taxpayer as little as possible, and which has still to be sanctioned by Parliament. The Finance Department proposes to devote to that debt redemption, in the first place the 35 million francs . . . which are to remain on the annual yield of the Extraordinary War Tax . . . in the second place, the sum which will be saved every year on the interest of the debt in consequence of the progressive redemption of the latter. This plan seems to be sound, and if it works out well and no unforeseen circumstances occur, these 1,500 million francs may be fully redeemed by the end of 1964."

"That is the plan is for redemption of the total debt in 40 years. I assure Honourable Members of this House that they would be making a great mistake if they go on year by year cavilling at this provision in a short-sighted policy to reduce the actual total of the expenditure of the year under discussion without reference to the effect it is going to have on the next year and the year after. In every country where public finances are soundly managed, there is a large provision for reduction of debt. In India it is true that our productive debt is a large proportion of our total. On the other hand, we have very large commitments for new capital expenditure and for maturing debt. I regard the financing of our new capital expenditure as one of the most important features in the finances of this country. We want to spend money profitably in order that we may benefit the next generation by that expenditure or that we may develop the country and get a return on our productive expenditure. We are going to find it very much easier to get money and we are going to get it very much cheaper if we make full provision for redemption and amortization of debt. If we, simply out of a desire to do something at the moment, cavil at that procedure year by year, taking every opportunity we can to reduce it, we damage our

[Sir Basil Blackett.]

own credit and we damage the tax-payer not merely of the future but the tax-payer of the year after next. I do ask the House to weigh these words and not to press this motion.

**Diwan Bahadur T. Rangachariar** (Madras City: Non-Muhammadan Urban): I do not wish to take the line adopted by my friends Mr. Rama Aiyangar and Sardar Mutalik, but I do fail to see where the House at all quarrels with the scheme. We accept the scheme as I have already stated more than once. We have accepted the scheme. The only complaint we make is whether we are not erring on the side of over-prudence in this matter, whether, having regard to the necessities which we are put to, we should not see our way to take away something out of this. We fully approve of the scheme. For instance, it was brought out that in reconverting the sterling debt into rupee debt for the purpose of providing for repayment or avoidance—we find the same thing repeated also this year—you reconvert at Rs. 15 per £ whereas for payments we make provision at 18d. to the rupee. If we recalculate—and I think it will be very safe to do that—converting our sterling debt into rupees at 18d. to the rupee, as was calculated last year, there will be a saving from the current revenues to the extent of over 80 to 85 lakhs.

**The Honourable Sir Basil Blackett:** About 7 lakhs.

**Diwan Bahadur T. Rangachariar:** Even 7 lakhs is not a small sum.

**The Honourable Sir Basil Blackett:** It is part of the original scheme that gain by exchange had been included.

**Diwan Bahadur T. Rangachariar:** After all the Finance Member will remember that this is a temporary scheme or a transitory scheme which he hopes to work for 5 years in order to see what results we are able to achieve. I must congratulate the Honourable Member on the excellent results achieved so far by the scheme which he has provided. Our finances have reached a sound basis and we command the confidence of the world. It is a matter for congratulation; but at the same time I do not know whether the Finance Member has any fear that the exchange is going to change in the next two years. We have done 3 years at 18d. to the rupee and more. Is that not correct? We have got only 2 years more left. Why should we not recalculate our sterling debt and convert it into rupees at 18d. or even more to the rupee and save 7 or 8 lakhs; that will be so much available for expenses on necessities. I do not know why it should not be done and I do press that aspect of it.

**Mr. President:** The question is:

“That the Demand under the head ‘Interest on Debt and Reduction or Avoidance of Debt’ be reduced by Rs. 88,06,000.”

The motion was negatived.

**Mr. President:** If no Honourable Member wishes to move any amendment, I will put the original question.

**Diwan Bahadur T. Rangachariar:** They have all been covered.

**Mr. President:** The question is :

"That a sum not exceeding Rs. 94,40,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1927, in respect of 'Interest on Debt and Reduction or Avoidance of Debt'."

The motion was adopted.

DEMAND NO. 26.—INTEREST ON MISCELLANEOUS OBLIGATIONS.

**The Honourable Sir Basil Blackett:** Sir, I beg to move:

"That a sum not exceeding Rs. 23,76,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1927, in respect of 'Interest on Miscellaneous Obligations'."

*Rate of Interest on Post Office Cash Certificates.*

**Diwan Bahadur T. Rangachariar:** Sir, I beg to move:

"That the Demand under head 'Interest on Miscellaneous Obligations' be reduced by Rs. 5."

The question which I wish to raise under this head is that the Honourable the Finance Member's proposal, which, I take it, has been thrown out for criticism in this House, to reduce the rate of interest on post office cash certificates is not a good suggestion at all. These post office cash certificates have now become very popular with the people. In fact, the small investors are now seeking post office cash certificates for investing their savings. I see that the Honourable the Finance Member, taking advantage of the financial market and the rate of interest in banks, etc., wants to reduce the rate of interest. I think it is too soon to interfere with this form of investment. After all it is not much and I think it enables the small investors, especially Government employees and other private employees, to save a few rupees a month to invest in these attractive securities and it is too soon to tamper with it. Its popularity will diminish, and I do not think that the Government will gain much by reducing the rate of interest. I do suggest that this should not be attempted and we can well afford to incur a little more expenditure in this direction so as to ensure to small investors a safe means of investment. I therefore suggest to the Honourable the Finance Member not to take hasty action in this direction.

**Sardar V. N. Mutalik:** Sir, I rise to oppose this motion. As a financial arrangement it will be a very bad policy if we continue to pay a higher rate of interest when the rate of interest in the country is going down. Sir, there is a very strong feeling in the country that the high rate of interest given on post office cash certificates militates against the investments in banks and in Co-operative Credit Society Banks also. Those who are in touch with conditions in the mofussil will bear me out when I say that it is not the small investors who invest in these cash certificates. It is generally those men who would invest their money either in Postal Savings Banks or in Government securities, who invest their money in cash certificates.

**Sir Hari Singh Gour** (Central Provinces: Hindi Divisions: Non-Muhammadan): But the amount of cash certificates is limited to Rs. 10,000.



**Sardar V. N. Mutalik:** That does not matter. These certificates can be purchased in different ways. I can purchase them in my own name, in the name of my wife and in the name of my children and can get 6 per cent. compound interest. It is just the same to me in whose name the certificate stands. I do not think that it would be wise to accept this suggestion, and I therefore strongly oppose it. I suggest that the Finance Department should take steps to reduce the rate of interest on post office cash certificates.

**Mr. H. G. Cocke (Bombay: European):** Sir, I rise to support this out of Rs. 5. Sir, I thoroughly approve of the idea of paying more than what I might call the Government borrowing rate of interest. I think I am right in saying that the interest only works out at 6 per cent. compound interest after the fifth year. No one who cashes his certificate from the first to the fourth year gets as much as 6 per cent. and there are a considerable number of holders who do realise their money during the currency of the certificates. It is only those holders who are thrifty enough to keep their money for the whole period of five years who get 6 per cent. compound interest. Sir, the rate of interest on post office cash certificates may be about 1 per cent. more than the current rate of interest at which Government can borrow, but I think it is very essential to encourage thrift. It is difficult to say whether the Sardar's ideas about the persons who invest their money in cash certificates are correct or not, whether they are mainly taken by people who are fairly wealthy and not by small clerks, and so on. I do not know whether any statistics are available. But I have always imagined that a considerable number of cash certificates are subscribed for by people with very small means. It must be remembered that the interest is income-tax free and therefore it does tend to encourage people with a certain amount of wealth to put in as much as possible in the name of various members of their family. I should like to suggest that each holder might be allowed to take up a definite amount every year. At present he can only invest Rs. 7,500 which becomes Rs. 10,000 after five years. I think it would be a good thing if each person is allowed to take cash certificates worth Rs. 2,000 or Rs. 3,000 every year and thus increase his wealth and at the same time help the State.

**The Honourable Sir Basil Blackett:** Sir, I am grateful to Mr. Rangachariar for raising this interesting discussion. I find myself in this matter in agreement with all parties. I entirely agree with Mr. Rangachariar and Mr. Cocke that we should, as far as possible, do nothing that will interfere with the popularity of these certificates. I do not think that in judging the rate of interest that you should pay on these certificates you must be guided too much by the question of the cost to the tax-payer in the shape of interest. That is not really the most important point. If you could, by giving a higher rate of interest, really stimulate investment among people who otherwise would not come in for investment, I think the State would be well repaid, provided the other consequences were not objectionable. The difficulty is that this rate must bear some kind of relation to the general rate at which Government are borrowing; otherwise you do not have the results that you aim at. Sardar Mutalik and his sisters, cousins and aunts all go and take out these certificates which are meant for his bearer and his sisters and cousins. These certificates are



meant for small investors and if you offer too high a rate of interest you do tend simply to be paying to the larger investors a higher rate of interest than they would get on other Government securities. Although there is a limit, as Mr. Cocke and Mr. Rangachariar have pointed out of Rs. 10,000 to the nominal value of these certificates, it can be extended or evaded in various ways either with our knowledge when it is done in the name of cousins and aunts, or without our knowledge, I am afraid, sometimes—I hope not very often. We, therefore, have come to the conclusion that it is not proper to go on leaving the rate to be earned on these certificates after 5 years as high as 6 per cent. Our view is that some reduction must be made. We do not want to reduce it at one step by a very large jump and we do not want to disturb the popularity of these certificates more than we can help. We have various proposals which I may now say are in the form of a Notification which will be issued, I believe, next week dealing with the rate at which these certificates can be purchased and making other arrangements by which the existing limit of 5 years can be extended in some circumstances. I will not attempt to give all the details; they will become public property very shortly. We waited until we could have a little time to see the effect of our announcement on this House and on the public. It is a matter on which you have got to act rather quickly because once you have announced the probability of reduction you tend to stimulate the demand in the interval from just the people whom you do not want the money from; so that we could not delay action for very long.

The other point raised by Mr. Cocke will be carefully considered. His suggestions have always been very valuable in this matter of  
 12 Noon. cash certificates, but I am afraid that so far as keeping the present rate, much as I should like to, in order to stimulate investment in these certificates by really small investors, I am afraid that to leave it at that rate any longer would on the whole balance of advantage not be in the interests of the country or of the State.

**Diwan Bahadur T. Rangachariar:** Sir, I desire to withdraw my motion.

The motion was, by leave of the Assembly, withdrawn.

**Mr. President:** The question is:

“That a sum not exceeding Rs. 23,75,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1927, in respect of ‘Interest on Miscellaneous Obligations’.”

The motion was adopted.

DEMAND NO. 27 —STAFF, HOUSEHOLD AND ALLOWANCES OF THE GOVERNOR GENERAL.

**The Honourable Sir Basil Blackett:** Sir, I beg to move.

“That a sum not exceeding Rs. 9,90,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1927, in respect of the ‘Staff, household and allowances of the Governor General’.”

*Replacement of the European officers of the Governor General's Bodyguard by Indian officers.*

**Mr. Ahmad Ali Khan** (Assam: Muhammadan): Sir, before I make my submission on the motion which stands in my name I wish it to be understood that I have not the least desire to impair the dignity of the exalted office of Governor General. Let me make that clear. I am as anxious as any Honourable Member of this House to see that the dignity of the office of Governor General is in no way diminished or impaired. If Honourable Members will turn to page 14 of the White Book on military services they will find that the Governor General's Bodyguard consists of 106 Indian soldiers and 2 officers of high commissioned rank. They will also find that the Bodyguards of the provincial Governors, the Governors of the major provinces of Madras, Bombay and Bengal, are also commanded by European officers of commissioned rank. The other day His Excellency the Commander-in-Chief told us in this very House that if due regard be had to the safety of the Empire he could not recommend a reduction in the number of European officers. I would suggest for the consideration of the House and of the Honourable Member in charge of the Army Department that here is an opportunity for effecting economy and at the same time Indianisation. We can easily replace those 6 or 8 officers of high commissioned rank by Indian officers. There is on the Bodyguard of the Governor General one officer of the rank of Major, and I believe on the Bodyguard of provincial Governors also there are officers of the rank of Major. My point is that you could easily, without in any way diminishing the dignity of the office of Governor General, replace these high commissioned officers by Indian officers of approved meritorious services. The posts should be reserved as prize posts to be filled by Ajab Khans and Hira Singhs who have served their King-Emperor and country well.

Sir, I move:

"That the Demand under the head 'Staff, household and allowances of the Governor General' be reduced by Rs. 100."

**Diwan Bahadur T. Rangachariar**: Sir, I am thankful to my Honourable friend for this motion, especially as the new Governor General is coming. I think we may put forward for his approval the suggestion as to why he should not have one of the two officers, Private Secretary and Assistant Private Secretary, an Indian. The time has come for the Governor General to be in touch with Indian opinion, not in those ceremonial functions alone where he meets Indians but in the daily functions which the Governor General has now to discharge. I think there should be a responsible officer to assist him in the discharge of his high duties. I think we have enough Indians in service who can be well trusted to discharge these duties. After all he is a new-comer to the land and comes in contact with his own countrymen, officials and non-officials, and very few Indians get the opportunity to have a heart to heart talk with the Governor General, and those who dare to do so will have to take the responsibility on their own shoulders. People seldom get an opportunity to discuss matters of importance even when they meet His Excellency, so that sometimes we have to volunteer our opinions in an informal way and do not know whether they are received willingly or unwillingly. I do

think, therefore, that the association of responsible Indians in the daily discharge of these exalted duties will be a wholesome departure. The time has come. We are crying for Indianisation everywhere; so why not in His Excellency's household where he has to deal with important matters. Why he should not be associated with Indians I fail to see. I make this suggestion and hope it will be accepted and acted upon.

**Mr. H. Tonkinson** (Home Department: Nominated Official): Sir, my Honourable friend the Deputy President has confined his remarks to the question of the Private and Assistant Private Secretary to His Excellency. The motion that has been made relates to the Bodyguard of the Governor General.

**Diwan Bahadur T. Rangachariar**: I beg your pardon, the personal staff and Bodyguard.

**Mr. H. Tonkinson**: I did not imagine myself that under the head of personal Staff was included the Private Secretary and the Assistant Private Secretary. (*An Honourable Member*: "Why not?")

I assumed this term referred to Aide-de-Camps and so on.

I will turn to His Excellency's Bodyguard. (*An Honourable Member*: "You have no defence for the other".) I will return to that again later. The Bodyguard is a military body of a strength equal, I understand, to about one squadron of Indian cavalry. Its cost is included in the military estimates and there are two officers, as stated by my Honourable friend, Mr. Ahmad Ali Khan, holding King's Commissions. One of these is the Commandant, who is a Major, the other is the Adjutant who is a Captain. In regard to the question of the Indianisation of these appointments, I understand that there are no Indian officers in the cavalry at the present time holding King's Commissions who are of the rank of Major, but I see no reason why in their turn Indians should not be appointed to one or other of these appointments. Of course it is a matter for His Excellency, as the question of these appointments falls within his patronage. I can only say that the remarks of my Honourable friend will be laid before His Excellency, and the same will apply to the remarks of my Honourable friend, Diwan Bahadur Rangachariar.

The motion was, by leave of the Assembly, withdrawn.

**Mr. President**: The question is:

"That a sum not exceeding Rs. 9,90,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1927, in respect of 'Staff, household and allowances of the Governor General'."

The motion was adopted.

#### DEMAND No. 28—EXECUTIVE COUNCIL.

**The Honourable Sir Basil Blackett**: Sir, I move:

"That a sum not exceeding Rs. 62,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1927, in respect of 'Executive Council'."

*Appointment of a Royal Commission on Reforms.*

**Mr. M. A. Jinnah** (Bombay City: Muhammadan Urban): Sir, I move:

"That the Demand under the head 'Executive Council' be omitted."

Sir, I think the House will probably understand more than it is possible for me to describe the circumstances under which I rise to address it on this question. I am sure Honourable Member will agree with me that there is a very heavy cloud hanging over us and I shall say no more. Sir, this motion is intended to raise a debate on the general policy of the Government, and in particular to raise the constitutional issue, and we shall do our very best, on this side of the House, to persuade the House to pass an unequivocal vote of censure on the policy of the Government with regard to the constitutional issue about which there is no doubt now. Sir Basil Blackett, the Finance Member, seems to be very happy, and thinks that he has performed a remarkable feat in producing his Budget this year which shows a small surplus. What is wonderful about this Budget? We had a fairly good monsoon, we had increased rates and fares on the Railways, and we have a fairly big surplus so far as the Railway Budget is concerned; we had very favourable exchange and we have maintained the high level of taxation intended for war conditions, and we have got the Budget presented this year with a surplus. Sir, what is there to congratulate the Finance Member or anybody else? Therefore, so far as this Budget is concerned, it is really of very little interest. I shall however watch the skill, ingenuity and the abilities of the Finance Member when he comes to deal with the Taxation Committee's Report, and when he brings before this House and the country something original, something which will be of lasting benefit to the people; I hope he will then give us the opportunity to appreciate what he is capable of doing for India. But at present, Sir, the Budget, as far as I can see, has very little interest in it. Apart from that, the question—the question of vital and paramount interest—is that of the constitutional issue which I shall deal with. I do not wish to take the House into a long and weary history of this issue. I think it will be admitted that, when the Act of 1919 was passed, a large body of politically-minded people in this country, and I believe almost all important political organisations, held that these Reforms were not satisfactory and were disappointing. The Indian National Congress, one of the leading political organisations in the country at the time, met at Amritsar in December, 1919, and after a great deal of discussion and careful deliberation, decided to work the Reforms as far as they went, at the same time recording the opinion that they were not satisfactory and were disappointing. Now, Sir, I felt from that moment that we had put our case before the highest tribunal, the Joint Parliamentary Committee. We fought step by step and we got a decision and the Act was passed, and as practical men we felt that the only course open to us was to work the Reforms and show by working them what inherent and serious defects and difficulties existed in the working of those Reforms. But then came other events into which I do not wish to go. We had the upheaval with regard to the Punjab, the Jalianwallah Bagh, and the Khilafat trouble and a large body of our countrymen refused to use these Reforms. At the same time I think the Honourable Members on the Treasury Benches will admit that there was a fairly large section that did not agree with that policy and that programme and they came into the various Legislatures and worked the Reforms. Then what do you find to be the

attitude of the Government in 1921? It is described in the words of the Right Honourable Mr. Sastri, who I think the House, and even the Government will admit, is a fair and impartial politician. He says this in an article on Lord Reading's speech of 20th January, 1926 :

" In the domestic politics of India one can only remember, on the one hand, the unexampled outburst of brotherliness and comradeship between Britishers and Indians when the non-co-operation cloud darkened the sky. Racial distinctions were abolished, repressive laws were repealed. We had a vision of Sandhurst and Woolwich, and official and non-official Europeans joined in a recommendation that our constitution should be revised before 1929. How near we then were to the millenium. As soon as the political sky began to clear and the too trustful Liberals were flung overboard, the Sandhurst and kindred promises were repudiated. Lord Peel cast back the Assembly's request for constitutional advance in its teeth, and the Rowlatt Act, with all its accursed provisions, came back to life in the Bengal Ordinance."

Now, I ask the Honourable the Home Member who represents the Government, is this not a true picture of your policy and your attitude? Sir, to get back nearer. In 1924, when this Assembly met at the very outset during the first Session, a Resolution was passed in this Assembly in February 1924, to which we got a reply from the Government which certainly was not satisfactory. In the first instance we were told that a departmental Committee would be appointed to inquire into the defects and the difficulties in the working of this constitution. That made not only the Assembly restive but the country outside was disappointed and at that time Lord Olivier, the Secretary of State for India, and the then Prime Minister, Mr. Ramsay Macdonald, both in their pronouncements, in order to allay the public opinion,—conveyed the idea that the Government had every desire to come into closer consultation with the real representatives of public opinion and they impressed upon us in the clearest language that they were going to adopt methods and means of so doing and that this Committee which was announced was not a device or a design for delaying the solution of this question. Then, Sir, we had the Muddiman Committee. The Muddiman Committee, as you all know, as Honourable Members here all know, had its hands tied by the peculiar terms of reference, but nevertheless there was a minority report signed by men like Sir Tej Bahadur Sapru, my friend the Honourable Sir Sivaswamy Aiyer, and Dr. Paranjpye, who command the confidence of the Government, who have worked inside the Government and who have worked outside the Government. And what did they say? They made their recommendation. And what was their recommendation? Can anyone make a mistake about it? Is there any doubt about it, as to what their recommendation was? Their recommendation was, Sir, if I may read those few lines, this. After going through an elaborate inquiry and after taking the evidence of a number of witnesses, both officials and non-officials, they came to this conclusion. This is the passage that I wish to read to the House. They said :

" The present system has failed and in our opinion it is incapable of yielding better results in the future."

And then they point out the various defects, principal, fundamental, inherent defects, and having pointed that out they further say :

" We were precluded by the terms of our reference from examining those various proposals which were of a fundamental character and which required the overhauling of the constitution."

[Mr. M. A. Jinnah.]

And therefore the minority report concludes by saying this :

"We do not think that the suggested amendments if effected will afford valuable training towards responsible government or will provide any solution of the difficulties which we have discussed in our chapter on Political Conditions or that they will strengthen the position of the Provincial Governments in relation to their legislatures or of the Central Government in relation to the Assembly. The majority of our colleagues say that no alternative transitional system has been placed before us. We think that no such alternative transitional system can be devised which can satisfactorily solve the administrative or political difficulties that have been brought to our notice. To our mind the proper question to ask is not whether any alternative transitional system can be devised but whether the constitution should not be put on a permanent basis with provisions for automatic progress in the future so as to secure stability of the Government and willing co-operation of the people. We can only express the hope that a serious attempt may be made at an early date to solve the question. This attempt should be made,—whether by the appointment of a Royal Commission with freer terms of reference and a larger scope of inquiry than ours or any other agency is a question which we earnestly commend to the notice of the Government."

Sir, this we earnestly commended to the notice of the Government on the 3rd December 1924. Since then we had the pronouncement of Lord Birkenhead in consultation with His Excellency the Viceroy who was summoned for this purpose among others. We had the statement of Lord Birkenhead and to get to the immediate issue what does he say? He says that a Royal Commission can be accelerated. The one precise condition was that we should show a spirit of co-operation. Now that statement was made last year, and to use his own words—and I should like to draw the attention of the House to his own words—this is what he said :

"But I do not hesitate to make clear my own view that it was not the intention of the Legislature to attempt to shackle succeeding Governments, if a spirit of cheerful and loyal co-operation was generally exhibited, on the one hand, or if on the other, grave and glaring defects disclosed themselves. It would indeed have been an assumption of omniscience alien to the Anglo-Saxon tradition for Parliament to assume so high and prophetic a gift as to declare that in no circumstances should the date of the Commission be accelerated. In fact the door was never closed. It is on the contrary open to-day."

I do not see the door open at all. As far as I can see it is almost shut, nay, banged. But the condition is there clear and precise. "There can be no consideration until we see everywhere among the responsible leaders of Indian thought evidence of a sincere and genuine desire to co-operate with us in making the best of the existing constitution." Now, Sir, this is the formula which has been repeated by the Government *ad nauseam* on every occasion whenever a debate on this question is raised. It was repeated by the Viceroy when he returned. It was repeated by the Home Member when the debate took place in September last year, and it has been repeated again by His Excellency the Viceroy in addressing the Legislature on the 20th of January last. And what does he say? In the speech which he made on the 20th of January, he says this :

"I had hoped that the leaders of Indian political thought might seize the opportunity afforded to them by the attitude of the Government, that they might elect to comply with the request made and might thus pave the way for an earlier appointment of the Statutory Commission and for the inception of a new era in political relations between India and Government."

Then, Sir, he concluded his speech by saying this :

"I cannot find the desired encouragement to those who, like myself, were seeking evidence of greater co-operation and good-will. There is, however, yet time for a more satisfactory response. In the ensuing Session as the proceedings of this Assembly

develop, I trust there may be found a clear manifestation of an attitude as generous and as well-intentioned as I verily believe was that which prompted the appeal. I shall continue to watch events here and throughout the country with deep interest, and it is my earnest prayer that the hopes, to which I still cling, may not be disappointed, and that a new era may dawn on Indian progress—an era of more sympathetic understanding, more widespread trust and more universal good-will."

Now, Sir, I will only weary the House with one more quotation, and then I shall proceed to answer the position taken up by Government. On the 18th of February 1926, we had the pronouncement on behalf of the Government of India made by the Home Member in the Council of State, and this is the answer he gave:

"And as to the advancement of the date of the Statutory Commission I never suggested, I have not suggested, and it has never been suggested, that there was any legal difficulty in the way. The method of acceleration has been clearly stated on many occasions."

I would only add that it has been repeated *ad nauseam*. He then proceeds:

"I again restate it. It is co-operation",

—and I dare say the Honourable the Home Member will again restate it to-day—

"It is co-operation. Now, I quite understand this House feeling that to repeat this word in a parrot-like way is to give no real answer. But co-operation is not a word."

—I agree with him there, it is not a word—

"It is a continued and steady course of conduct"

—"Hear, hear"—I would have said to him if I had been there—

"If every Member of this House and in every Legislature in India stood on his legs and shouted 'We co-operate', that would have no effect on my mind at all. It is by a steady course of conduct that facts are established. It has been said that co-operation has been received to a considerable extent. I will not deny that in certain quarters it has been received. I acknowledge thankfully on the part of Government the co-operation that has consistently and steadily been extended to the Government by the first Council of State, and which I am perfectly sure will continue to be extended by the present House."

He was trying to ingratiate himself with the other House:

"There are other instances undoubtedly; and the atmosphere is getting better. I hope so and I hope it may continue. I look to my Honourable friend to produce that result by his own efforts and by the efforts of those who think with him. I will not enter into the difficult intricacies of some parties with which I am not fully acquainted lest I tread on delicate ground. I trust soon that all parties may have at any rate one view, and that is they will work the existing constitution for all it is worth; and when that time comes about, then my Honourable friend will move his Resolution in a happier time. I regret therefore I am unable to accept the Resolution moved by my Honourable friend."

Now, Sir, I ask the Government and the Home Member who represents the Government here to-day, what does he want? Does he want that a certain section, a certain body of politicians who have committed themselves to a particular course of action, should give up their course of action according to your wish? And because they will not make a declaration that they are willing to give up that course of conduct, whatever may be the opinion of the whole country or the rest of the country, until those particular men eat their words, will you continue saying there is no co-operation or that it is better, but not sufficient? Is that the position the Government take up? I ask the Government to consider this. Is there a single political organization, is there a single political body in the country that has not

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pressed the Government at least for a Royal Commission to be appointed forthwith? Are you going to treat the rest of the opinion in this country with contempt, because you have a certain section that you consider is impossible or irreconcilable or will not yield to you in the exact manner in which you desire? Is that your answer to the whole of India? You ask me to get what? Every party to agree. I ask you, do you honestly mean that that is possible, that it will ever be possible in India or in any other country in the world that all parties must agree, and till then the Government will not move? You ask what has happened? Now, let us see what has happened. I know the Honourable Member over there will tell me, that they have not worked the Reforms in the Central Provinces, they have not worked the Reforms in Bengal. I ask the Honourable Member here, can he really and honestly tell me this or not, that in Bengal, if the things had been handled better, the Ministry would have been formed, and the Reforms would have been worked. I maintain that you have bungled the whole business in Bengal.

**The Honourable Sir Alexander Muddiman** (Home Member): Is that in Bengal or in the Central Provinces?

**Mr. M. A. Jinnah:** Bengal.

**Sir Hari Singh Gour:** It equally applies to the Central Provinces.

**Mr. M. A. Jinnah:** But I will assume for the moment that I am wrong, and that you are right, that there was a clear majority both in Bengal and in the Central Provinces that stoutly refused to work the Reforms. I will assume that. I ask you again, can you not realise this? Do you remember under what circumstances the elections took place? Do you remember what was the position when the last Assembly was dissolved? Do you remember what you did with your own friends who stood by you in the first Assembly? Do you know how you treated them? Did you listen even to the advice of the most moderate men in important matters? You ask, "What can be done now? A certain number of men have come in, in Bengal and the Central Provinces Councils and have made the Reforms impossible of being worked." But, Sir, is Bengal and the Central Provinces the last word on the subject? Is there no other part of India in existence? What about the other Provinces? And above all, what about this Assembly? The Honourable Member is looking at the empty Benches.

**Mr. N. M. Joshi** (Nominated: Labour Interests): That is the Assembly for him.

**Mr. M. A. Jinnah:** Well, if he thinks that it is going to advance his case, he is very much mistaken. Did they or did they not, for all purposes, offer co-operation in this House? What is the testimony of Sir Frederick Whyte? What is the testimony of Sir Charles Innes, a bureaucrat of bureaucrats, on his own admission? (Laughter.)

**The Honourable Sir Charles Innes** (Member for Commerce and Railways): May I ask the Honourable Member what the response to that admission was the very next day?

**Diwan Bahadur T. Rangachariar:** Still the admission remains.



**Mr. M. A. Jinnah:** I was not discussing the response the next day. I will answer that in a minute. I was only stating the admission which the Honourable Sir Charles Innes made on the floor of this House. And what was the reply which the Honourable Sir Alexander Muddiman, speaking in the Council of State on the 18th February, gave? He said it was better but not sufficient. Which is true—what the Honourable Sir Charles Innes said here or what the Honourable Sir Alexander Muddiman said in the Council of State?

To get back to my point. The impression that you have created is that you are trying to make an excuse, that you do not mean honestly, to announce the appointment of a Royal Commission. That is the case made against you. Now, Sir, I was dealing with this Assembly. Will the Honourable Member tell me what important measure which the Government desired to get through this House was refused? During the three years 1924, 1925 and the present year—we are almost at the end of this Session—will you point out to me a single important measure brought before the House where you did not get co-operation as defined in the words of the Honourable the Home Member.

**The Honourable Sir Basil Blackett:** What about the Finance Bill of 1924?

**Mr. M. A. Jinnah:** That Finance Bill stands on a very different footing and I shall come to that in a minute, if you will allow me. Let me tell you as a matter of history that the rejection of the Finance Bill in 1924 was not moved by those gentlemen whom you call non-co-operators in this House or in the Legislatures but was moved by the greatest of co-operators and supported by him. Therefore, do not please try to draw a red herring across my path. You do not say that you find fault with the Independent Party. You do not say that the Independent Party has not co-operated. You do not say that the Liberals have not co-operated. You do not say that a large body of the 350 millions of people in this country are not co-operating with you. You have got only one section in your mind, and that is the Indian National Congress. At the most there are 7,000 members in that Congress. And because they have taken up a particular attitude, you say that the entire country is to be penalised for it. I say that is a position not worthy of any Government, unless you wish to make an excuse. This is the impression that you have created. I will again refer to what even the Right Honourable Mr. Srinivasa Sastri says. He says:

“In these circumstances am I too pessimistic to warn our countrymen against simple-minded trust in British generosity or is *The Bengalee* too optimistic in trying to persuade us that there is only a bright side to the story of British doings in India? It is easy enough to blame the Swarajists for all our ills.”

That is what you are doing:

“Poor chaps! It is true enough their policy is unwise and their strategy utterly futile. But let us not be deceived. There is overwhelming evidence that for the time being the old Imperialism with some at least of its sinister consequences has reasserted itself in Great Britain and that till the people of India learn to unite and put full constitutional pressure on British policy they must be prepared to be used again and betrayed again.”

Now, is there any justification for this charge or not? If it is not true, why have you not made up your mind to announce a Royal Commission

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forthwith? Why do you say you are ready to announce the Royal Commission and in the next breath say "Bring me the irreconcilable men, bring me the irreconcilable party. Not merely should they act and do their best, to work the constitution, but they should make a confession and a declaration of that confession that they are beaten and they want now humbly to co-operate with us." That is what you want. Sir, when we raised a debate this time last year, I said that the only issue was whether you are going to appoint a Royal Commission at once or not. In the September Session of 1925 I put it to my Honourable friend the Home Member in concluding my speech in the following terms and with the indulgence of the House I will quote from it. I said to him this:

"Sir, therefore, to sum up the situation within the next two minutes or three minutes that are at my disposal, I submit to this House that the question stands thus: First, are Government prepared to appoint a Royal Commission at an early date to examine the entire constitution? Second, do you honestly, sincerely desire us to submit to you the fundamental principles upon which a constitution ought to be built? Lord Birkenhead in his speech has said that he would earnestly consider proposals. There is the amendment. Consider it."

In the House of Lords Lord Olivier speaking on this very question after Lord Birkenhead had made his speech said:

"I should like to make one final observation. I think that the noble Earl may have a little under-estimated, as many people do, the strength of what may be called national feeling and national pride in India and the national disposition to claim that Indians shall have a great deal to say with regard to the framing of their own Constitution. It is not enough to say, as the noble Earl has said and as has been said repeatedly, that you have two great communities in India; that you have many religions, many languages and so on, and that therefore it is idle to speak of India as a nation. That is very much less true to-day than it was even ten years ago. Whereas ten years ago you might have said that the masses of India cared very little about national religion or about politics, it is, I am perfectly convinced from all that I have been able to learn in the last two or three years, equally unquestionable that this era has passed away, that there is a strong and universal sentimentally nationalist feeling in India upon which the leaders who speak in the name of Indian nationality can count.

I should like to quote in that connection a passage from the last Report of Mr. Rushbrook Williams on the Material and Moral Progress of India—the Report for 1923-24—a very useful volume . . .

'While non-co-operation as a political campaign has suffered discredit through its manifest impossibilities, non-co-operation as an attitude of mind and as the vehicle of an awakened national sentiment, still survives. We shall fail to understand the political life of India to-day unless we realise that from the beginning Mr. Gandhi's campaign has not been so much the cause of India's unrest as a symptom of those deep discontents from which the unrest resulted.'

So, although in times of peace you might have regarded the masses of India merely as a dry bed of sand, you must now regard them as a bed of sand into which certain infiltrations of feeling have passed, and must take care that you are not founding your policy upon a quicksand. It is on that account that I made my appeal to the noble Earl to take into consideration what I feel convinced is an accurate statement of the feelings of all Nationalist and Propagandist parties in India in support of the Minority Report, and whereas the noble Earl said, and said truly, that the question of what provincial autonomy means has not been explored, that is one of the very reasons why I want to see, and all who are interested in the development of India want to see, the question of what is to be in the future directly tackled. When such men as the late Governor of Madras tell us that some parts are ready for provincial autonomy, and others are not, I want to see these ideas explored in order to find out whether it is impossible to develop this idea of provincial autonomy. It is obvious, as indeed it was before I rose, that no Papers can be laid because the noble Earl has to correspond with the Government of India before any Papers can be laid, and therefore I beg leave to withdraw my Motion for Papers."

Now, Sir, that is the opinion of the *ex-Secretary* of State for India. Therefore this issue has now resolved itself into a very simple question. Do not let us be drawn away from the issue. Never mind what Resolution this Assembly passed in 1924. Never mind what Resolution this Assembly passed in September 1925. What is your position? What are you going to do? It is enough that you do make your counter-proposal. It is there. You cannot get away from it now and it was repeated by His Excellency the Viceroy on the 20th January 1926. Your counter-proposal is the *Statutory Commission*, but is that to be appointed when you are satisfied as to the evidence of co-operation? Now, *what* evidence do you want. The evidence is that you have failed to co-operate with us and you have driven away so many men from this House. If you had a genuine honest desire to put your intentions into practice, if you desire your declaration to take effect, you know perfectly well that a large body of public opinion in this country desires the appointment of a Royal Commission. You have only to announce it and co-operation is secured. I am sure you know this, but you are making an excuse. You are taking advantage of the mentality of a certain section of my countrymen. That is what you are doing. How long will you continue to do so? Therefore, it is quite clear what the issue is. The position of the Government is utterly indefensible.

Now, Sir, it has been said, and I think it will be urged by the Honourable Member there, that "You are wanting us to certify if you throw out this Demand." He will say it again. He said it last year. He said it only a few days ago. Now let us examine it a little closely. What is this Demand to begin with? I will draw the attention of the House to what it is, if it will pardon me. First of all, we have got the pay of the Honourable Members which is not votable. Then we have the allowances and we have got the tour expenses. The allowances for 1926-27 are estimated at Rs. 2,000 and the tour expenses at Rs. 60,000. This makes a total of 62,000. Now, Sir, the Honourable Member was asking me the other day when I was moving that this Grant be taken up before the other grants, "Do you want us to certify it?" I said: "Yes, if you like, by all means. If you can do it." I know perfectly well the provision of the Government of India Act which runs as follows:

"The demand as voted by the Legislative Assembly shall be submitted to the Governor General in Council who shall, if he declares that he is satisfied that any demand which has been refused by the Legislative Assembly is essential to the discharge of his responsibility, act as if it had been assented to."

Whether it is essential to the discharge of his responsibility, it is for him to decide; but, Sir, the touring expenses which are given to the Honourable Members are of no use to us because by going all over India in special saloons they learn nothing. If they wish to go to Simla then they go at our expense and enjoy a very salubrious climate—  
 1 P.M. the exodus which my learned friend praises and says is very desirable and very nice and in which he always joins as soon as the Assembly is prorogued. That is all that they want to do. Now the Honourable Members are fairly well paid, and I think they can afford to pay their fares up to Simla if they want to go there. I do not see at all why it is essential to the responsibility or the discharge of the duty of the Governor General to pay their touring expenses to take them up to Simla or elsewhere. But if the Governor General wishes to exercise

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arbitrarily his power under that section which is there, let him do so. Next the Honourable Member will say, but this means refusal of supplies. Now I am not frightened in that fashion. I know what refusal of supplies means and I claim to understand it quite as well as the Honourable Member. Sir, I will draw his attention again to the speech I made in 1924. I hope the House will pardon me if I seem to be quoting from my own speeches, but I want to make my position clear. I want this House to understand this question thoroughly and I do not want the real issue to be lost sight of. Now what happened? Well, in 1924, this House will remember four grants were rejected one after the other; and next day I, Sir, standing on the floor of this House said—and I want this House please to follow me, for I want to make it quite clear what my position and the position of the Party I represent is—I said :

“As a member of the Nationalist Party I entirely endorse what Pandit Motilal Nehru has said. I want to make it clear further that the Nationalist Party here in this House do not stand for any wrecking programme. I wish to make it further clear, especially with reference to what fell from my Honourable friend Mr. Chatterjee yesterday, that the Nationalist Party is a party which is formed to work in this Assembly and nothing more. And in this Assembly we stand to pursue a policy and a programme of a constitutional character. We shall pursue that policy and that programme until the last stages of constitutional struggle are exhausted. There is no idea in the mind of the Nationalist Party to resort to civil disobedience; there is no idea in the mind of the Nationalist Party that we want revolution; there is no idea in the mind of the Nationalist Party that we are going to carry on the campaign of non-payment of taxation. Sir, it is perfectly legitimate for us having regard to the ruling that you gave that we could use the general discussion for what we wanted to make clear, namely, that we condemn the Government of India; we condemn the Secretary of State for India. Why? Because you have not satisfied us in regard to the Resolution that we passed here by an overwhelming majority of 76, a Resolution which was a demand for reforms; and we wanted therefore to put in the clearest possible manner our protest, our condemnation, our disapproval, of the way in which you have met us.

We also recognize that there are difficulties but we feel that you have failed, entirely failed, to satisfy us.”

Now, Sir, that was the position in March 1924? That was the position which I took up in March 1925 and that is the position I take up in March 1926. I must therefore to-day again ask this House to vote for the omission of this grant. Now my Honourable friend will say to me, “Why don't you make a cut?” Sir, there is the list of business before this House. The Honourable Members will observe that there are over a hundred cuts proposed on the list of business regarding various grants. I want therefore to ask the Honourable Member, what is the constitutional impropriety if I wish to make it quite clear by rejecting this grant for I want to leave no doubt. I want this House to record its vote in an unequivocal manner. There should be no doubt that on this issue we wish to defeat the Government.

**Mr. K. Ahmed** (Rajshahi Division: Muhammadan Rural): You have not got a majority.

**Mr. N. M. Dumasia**: I want to ask one question of the Honourable Member. Do you want a Royal Commission, or do you desire that Government should take no steps towards constitutional advance without any inquiry by a Statutory Commission as laid down in section 84A of the Government of India Act?

**Mr. M. A. Jinnah:** Sir, I think I have made it quite clear, and I will repeat it if the Honourable Member does not understand it. I want the Government of India now to give me an assurance on the floor of this House that they are prepared to announce a Statutory Royal Commission within the meaning of section 84A and that the personnel of that Commission should be such as would satisfy the people. That is what I want done at once.

**The Honourable Sir Alexander Muddiman:** Satisfactory to whom?

**Mr. M. A. Jinnah:** To the people. I think you will also admit that it should not be satisfactory to you alone. I think this proposition cannot and will not be challenged. If you are going to appoint a Royal Commission, it is no use appointing it unless you have a Commission which will command the confidence and the respect of the people. Sir, that is therefore really my point. But I know the Honourable Member will say, "Oh, but what about your Resolution?" I know he is sure to bring that up—"What about your Resolution which you passed in September 1925?" As far as that Resolution of September 1925 is concerned, I stand on the floor of this House and I still maintain it, as we did maintain it then and it is not merely our opinion, but it is the opinion of the large body of witnesses that were examined before the Muddiman Committee. An overwhelming majority of both official and non-official witnesses put forward the same case and suggested those fundamental changes which are incorporated in the Resolution of September 1925. I still maintain that if any impartial body is appointed to examine the problem, I shall be able to establish the case that those fundamental changes should be made in the constitution of the Government of India; and further we passed that Resolution particularly because Lord Birkenhead in his speech actually invited us and said: "If you have any constitution or any scheme to suggest, do so", and it was really an answer to his speech; I will refer to that passage in the speech of Lord Birkenhead where he actually said: "If you have anything to suggest, by all means do so", this is what he said:

"We do not claim in Great Britain that we alone in the world are able to frame constitutions, though we are not altogether discontented with the humble constructive effort which we have made in this field of human ingenuity. But if our critics in India are of opinion that their greater knowledge of Indian conditions qualifies them to succeed, where they tell us that we have failed, let them produce a Constitution, which carries behind it a fair measure of general agreement among the great peoples of India. Such a contribution to our problems would nowhere be resented. It would, on the contrary, be most carefully examined by the Government of India, by myself, and I am sure, by the Commission, whenever that body may be assembled."

Therefore, Sir, I still hope and I trust that the Honourable the Home Member on behalf of the Government will be able to give us an assurance and a satisfactory reply to-day.

I have only one more word, to say in conclusion, and that is this. Sir, I cannot expect the votes of the Treasury Bench. They have no freedom. They are not supposed to have any judgment or any conscience so long as they occupy those Benches. They are merely 26 machines, automatons and they have to obey orders. Therefore, it is no use my appealing to them, because they have no freedom. The next class of Members of this House under the Government of India Act are the nominated Members and to the nominated Members, I say, vote according to your own conscience,

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according to your duty, and remember, the Constitution does not and the Government dare not say that you are fettered in your judgment or in your right of voting in any way you like. The responsibility is entirely yours, and on this occasion I appeal to every nominated Member to exercise his own independent judgment. I ask you, gentlemen, who are nominated Members here, are you conscientiously opposed to the appointment of a Royal Commission? Do you believe in the argument which will be advanced by the Government that "it is a very serious thing to vote down this grant; why, it means revolution; it means rebellion in this country if you do that". I say, it is camouflage, moonshine. Do not be misled by such arguments.

I hope I have made my position perfectly clear, that I do not stand for the doctrine of refusal of supplies, which means, if logically followed up, subversion of the Constitution and the Government by law established. I have made it quite clear that I have stood here on the floor of this House during the life of this Assembly and honestly and conscientiously co-operated with the Government from the moment I came here. I have stoutly refused to subscribe to any programme of obstruction. I may have my differences. I have differed from Government, but I have co-operated in a true spirit to work this Constitution, bad, defective and rotten as it is. Let me tell you, Sir, that had I joined the other section in this House, this Legislature would have been closed down in the very first Session. I stoutly refused; I said "No." I have supported you. I have not supported you to oblige you, but because I think it is the right course to adopt; it is no obligation on anyone. Do you want men who will come and who can do real, solid, good work? Do you want to help the wreckage? It is for you to decide. Next, I come to my European friends. They are in this House as much elected Members as we are. But I appeal to them, and I most earnestly appeal to them, to consider their position. I am hoping—not in vain—that I shall not fail to get their support. (Applause.)

**Maulvi Muhammad Yakub** (Rohilkund and Kumaon Divisions: Muhammadan Rural): A word to Mr. K. Ahmed?

**Mr. M. A. Jinnah:** I am told we have not got a majority. Let me tell you, Sir, that even if we are defeated, we have a majority if you exclude the 26 machines that sit there. Whom do they represent?

**Mr. K. Ahmed:** Government.

**Mr. M. A. Jinnah:** No, Sir. They come in as machines under the Government of India Act. I can make a present of these 26 votes to Government. The rest of the House, even if I am defeated, is in the majority with me. And, if we carry our motion against them in spite of these 26 machines, it will redound to the lasting shame and disgrace of the Government if they do not carry out our wishes and give effect to this vote. I, therefore, tell you that upon your vote depends this issue. If you allow this to be lost, the Government will not mention those 26 votes but will say that this House carried it.

**Mr. K. Ahmed:** I do not mind voting with you if you have a majority.

**Mr. M. A. Jinnah:** Sir, I hope that my Honourable friends, the nominated Members, the European elected Members and the rest of the elected Members will realise the gravity of this issue and will not play on this occasion into the hands of the Government. Remember that Government tried their very best purposely and deliberately not to take up the Executive Council Demand on Monday last. Why? Because they knew perfectly well that with my Swarajist friends I would have routed them absolutely. Having resorted to that obstructive attitude, they hope now to defeat me. But I am sure that you will not allow me to be defeated. Let the Government learn that these tactics are not going to avail them and that they are not going to succeed by these tactics. Sir, I move that this Demand be omitted. (Loud and continued Applause.)

**Diwan Bahadur T. Rangachariar:** Sir, the eminent surgeon of the House has performed the grand operation. He has exposed the iniquities of the Government of India in their plain blunt outlines. Sir, this is a vote of censure. There is no mistake about it. It is a vote of censure on the Executive Government of the country. It is a vote of censure because they have not shown that change of heart—if they have a heart,—that change of angle of vision—if they have vision—which was expected of them. The idea of partnership with which we began in August 1917 seems to be a mere dream with them if not a nightmare. They are frightened by that idea of partnership. They do not want to realise the real meaning of that word partnership and they still hanker after the old bureaucratic and autocratic ways which they have been accustomed to. Sir, during the last six years' experience I have realised one thing. These Britishers here—and under that term I include Englishmen, Scotchmen and Irishmen, with due respect to my friend Mr. Donovan—all of them, when they enter the Indian Civil Service have but one god whom they think they should serve and that god is (*Sir Denys Bray*: "India.") time. Sir, what is it we have found them doing in connection with this constitutional question? In September 1921—a very critical time it was for the Government of India—when this constitutional question came up for consideration in this House, what did my Honourable friend, Sir Alexander Muddiman's predecessor, another tactful Home Member, who is now adorning the Secretary of State's Council—I mean my friend Sir William Vincent do? He co-operated with this House. He was very, very anxious to help the House to frame a Resolution for the acceptance of the House. He actually took pencil in hand and said, "You friends have co-operated with me. We recognise that the experience gained in this House marks the necessity for an advance in the constitution" and he actually drafted the Resolution which was finally passed by this House without demur, without dissent. Sir, why did he do it? Time and circumstances were then in our favour and against him. Then the man directing the affairs of India from Home was Mr. Montagu. They feared his hands; they wanted to respect him—shall I put it so? Then they were anxious to oblige this House, they wanted to get rid of this non-co-operation bogey with the help of this House; so they wanted to oblige this House. Sir, there was a change of Government. They took courage and this House discussed the Resolution in 1922. Then there was a certain attempt to go back—if I may say so. Then when in 1924, early in 1924, we took up this question again, then the times were changed against them. The Labour Government was in office if not in power. Mr. Ramsay

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Macdonald was Prime Minister and Lord Olivier was Secretary of State. Then what did they do? They did not give that entire negative which they vouchsafed to us in 1922-23, but said, "We will examine the question." It was to be examined by a departmental committee. The departmental committee on account of pressure from home developed into the Muddiman Committee. Sir Malcolm Hailey first of all hedged it round with a number of restrictions. He gradually widened the field and finally came the Muddiman Committee. The Labour Government went out of office. Time again. They serve time. They take hold of circumstances. Time is their god, and circumstances change their attitude from time to time. Now comes a majority report and a minority report, and by that time they took courage. They came to provisional conclusions. On the floor of this House my Honourable friend, Sir Charles Innes, made that notable speech. He was quite out of his element, if I may say so. He made a speech which we do not know whether we all applauded or condemned. In our hearts we condemned it. He went out of his sphere. His domain is Commerce and Industries, and yet he went into politics and got into a quagmire, if I may say so. And again we are faced with the situation to-day. His Excellency Lord Reading went to England as we all know, had those famous conversations and consultations, and came back with that message about co-operation. They are inventors of phrases and words which are apt to mislead and which do mislead. They wanted evidence of co-operation. They have evidence of co-operation on all hands admittedly. Not only has my Honourable friend Sir Charles Innes admitted it, but the other day in the speech of the Honourable the Finance Member he referred to the co-operation of this Assembly. Both my Honourable friends were very partial, as I said the other day, to the second Assembly, in fact they gave credit to the second Assembly more than to the first Assembly, and with the help of the second Assembly they have achieved a lot. Sir, do we not count? Is it only the Council of State which counts in the eyes of my Honourable friend? Is it the Central Provinces Council which counts, or is it the Bengal Council which counts? May I put it to them honestly, do they really believe that the non-co-operators represent the bulk of the country, or that my Swarajist friends represent the bulk of the responsible opinion in this country?

**The Honourable Sir Alexander Muddiman:** They have most of the seats.

**Diwan Bahadur T. Rangachariar:** Yes, but that is not the question. The question for you is, is the country with you or not. On your own acknowledgment, on your own professions, the country is not with the Swarajists; they do not represent the solid bulk of responsible opinion in this country.

**An Honourable Member:** How did they get here?

**Diwan Bahadur T. Rangachariar:** Do you acknowledge then that they represent the country? You cannot have it both ways. Either they represent the country or they do not represent the country. If they



represent the country, respect their views. And what have they done? Have they not offered you sincere, hearty co-operation on the floor of this House for the last two years? Did they not assist you time after time? Did they persist with the plan with which they came to this House? Where was the persistent obstruction with which they started? Sir, did not they come down in the month of March, 1924? Did they not come down in May, 1924, and in September, 1924? Did they not come down in 1925, serving on Committees, co-operating with you, giving you their valuable advice, and trying to shape your legislation, trying to make suggestions to you in the form of questions and Resolutions? What is it they did not do which we have been doing in the first Assembly or in this Assembly? They have been doing the very same things which the Liberals, the Radicals and the Independents have been doing in this House. What was the difference? Why then shy at them? You have driven them out by your heartless procedure; you have driven them out by your shilly shallying with this question. That is the truth of it. They would have remained here if you had really shown a change of heart, if you had shown a change in the angle of vision in this matter. The country has been crying for this. They say these Reforms are inadequate and unsatisfactory and cannot be worked. You admit it. I do not think there is any one here who does not admit it. They say it is an experiment which has to be tried. It has been tried in the provinces, no doubt under difficult circumstances, but all the same it has been found wanting. The minority condemned it, the majority condemned it, only the majority was for tinkering with it here and there. The majority are not satisfied with the scheme of Reforms, but what they say is, "Try them for the full period". We say what is the use of trying them for the full period, we have tried them and have found them wanting. What is it we are doing here? Do you expect us, responsible people, to come here and waste our time and our energy and our intellect merely to pass pious Resolutions which you can discard? Is that responsible government? Is that the sense of responsibility that you are creating? As I have pointed out, and as Sir Alfred Mond pointed out in the House of Commons, this is what you are creating now; you are creating a sense of irresponsibility in us and we are creating a sense of irresponsibility in you. Knowing you are going to certify, we pass indiscriminate votes to cut down. We know that you are responsible to no one and, because we know you are irresponsible to us, we do things which we would not otherwise do. If we knew for instance that our votes would have any effect we would think twice before we pass votes. Therefore you are creating a sense of irresponsibility in us. That is not the method. What is the object of this machinery? The machinery is to educate us, to fit the people for responsible government. On the other hand this machinery is creating a sense of irresponsibility in the people. Oftentimes I have light-heartedly joined in votes which I would not otherwise do but for the fact that my position here is irksome, troublesome, annoying. That is the position you have driven us into by this constitution of yours. We have felt it time and again. We felt it in the first year. It is only by working it that we have found out the defects of this machinery. Now what is the good of telling us "You are not able to manage things". Where does Sir Muhammad Habibullah come from? Is he a discovery? Are there not hundreds of Habibullahs who can manage affairs of State as well as he can? I ask, are there not? Then why saddle him with

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responsibility to some one else thousands of miles away and not to his own countrymen here. I want men on those Treasury Benches who will be responsible to this side of the House, who will be guided by the votes of this side; and not men who will merely give pious expressions of good-will from time to time. "If Rangachariar behaves as we want him to do we will accept his advice, if not we will reject it". If that is the way the Executive Government is to be carried on, how long will it last? You are dealing with a civilised people, people who have got hearts, feelings, sense.

**Mr. M. A. Jinnah:** Who have eyes and ears also.

**Diwan Bahadur T. Rangachariar:** Yes, we have eyes to see and ears to hear. How long will it last? I do put it to the Honourable the Home Member, it is no use playing with this question in the manner that he and his colleagues on the Treasury Benches are playing with it. My Honourable friends the Indian Members, I am sure, are doing their level best inside the Cabinet to convince their colleagues. I do not wish to accuse them of want of patriotism or want of sense. With the intimate knowledge they must possess of the conditions in this country, with all the experience that my Honourable friend Sir Muhammad Habibullah possesses of Madras, does he for a moment believe that Madras is not fit for provincial autonomy? Does he not agree with Lord Willingdon who proclaimed in the House of Lords that Madras is fit for provincial autonomy? Does he not agree with that and does he not advise the inner Cabinet to take the same view as Lord Willingdon? Cannot he convince the adamantine bureaucrats who sit on either side of him over there? Is his voice ever heard or are they deaf to his advice? Sir, it is no joking matter. It is not a light matter. The whole of the intelligentsia of the country feel very much on this subject. They have been feeling it for some time. Some of us perhaps lose our sense of proportion at times in this matter and adopt queer methods of agitation. Probably they are right. I do not know; it is not for me to decide. But I do not take that view; that is all I can say. But I am afraid the attitude of the Government of India is likely more and more to drive others into that fold. It has been doing so. That has been the mistaken policy that has been pursued by the Government of India in this matter. I blame the Executive Council for this more than anybody else. They are the persons who have got to advise His Majesty's Government at Home. His Majesty's Government at Home know nothing about these things. They are no doubt great statesmen, who have got the best knowledge of their own conditions, the circumstances in their own country; but how can they decide for a country like this? Most of them are quite unacquainted with this country. So the responsibility lies with the Executive Government of this country and my Honourable friends over there. They are the persons responsible for this state of things. Sir, I therefore say that they have failed in their duty. They have failed in their duty miserably in this matter. As I have stated already, they believe in time and circumstances. They think they can tide over difficulties by appointing Committees. I have noticed their usual trick when a question becomes very acute is to appoint a Committee. The Committee report and they go to sleep over the report. Again they are votaries at the shrine of tact. They think people will forget; and my

Honourable friend Sir Denys Bray—although all the people are waiting for the Government Resolution on a Report to be issued—he asks “Where is the agitation?” He wants agitation every day, every minute, the throwing of stones at windows and breaking of glass. Is that the sort of agitation you want? Sir, we have had faith in you, and you are, I am afraid, fast betraying that faith, if you have not already done so. People are losing faith in you, and I warn you betimes that unless you take prompt action in this matter,—you say you are not slaves to dates—the consequences will be very serious. Why do you deny an inquiry by a Royal Commission or by any other suitable agency? Why do you deny that? What is it you are afraid of? Let the matter be inquired into. What is it that you are losing? Why not satisfy the sentiments of the people? There is no grace in you. You always do things too late, and thereby you lose the full value of your performance. Take for instance the salt duty. We cried and cried and asked you to reduce that duty. You said “It is impossible to reduce it”. Sir Basil Blackett sitting on that Bench, I remember, distinctly thought that the heavens would fall if he did not have the salt duty at Rs. 2-8-0; but the very next minute it was reduced to Rs. 1-4-0, and you thereby created contentment and satisfaction among the people. But why do it in this graceless manner? Take again the cotton excise duty which we have condemned time and again. In September last when we were agitated over it, my friend Sir Charles Innes said “No, it is impossible for me to think of any such thing”. But, Sir, the very next month, or two months after that, you abolished it.

**The Honourable Sir Charles Innes:** Because we did not know the Budget.

**Diwan Bahadur T. Rangachariar:** I refuse to believe it if I may. The thing is that it is your tendency, your prestige which stands in your way. You do not want to appear to surrender to popular demand. I do not mean to say that my friends here are not open to that charge. They also do not want to climb down, they don't want to appear to lose their prestige by admitting their mistake, but perhaps it is much more so with the Treasury Benches. In fact, if I look back upon what you have done in response to popular criticism and popular advice, it is not a blank record. This Budget itself discloses evidence of your paying heed to criticisms from this side and acting upon those criticisms, and you changed to capital from revenue on account of the criticism in this House. My friend Sir Basil Blackett looked aghast when that criticism was made and he said it was unsound finance, and to-day he says “I am able to see the other side and therefore I have adopted it”. Now it is quite all right. I quite recognise it. That is why I am here, otherwise I should have walked out with my friends. I have still some faith in your being able to act, but you act so gracelessly, so out of time, that your performance loses its value. That is my point against you. Therefore, you are servers of time. Leave that path, and take the right, bold attitude. Now that His Excellency the Viceroy is giving up the reins of his Government, will it not be an act of crowning glory on his part if he announces the Royal Commission before he leaves these shores?

The Assembly then adjourned for Lunch till Twenty Minutes to Three of the Clock.

The Assembly re-assembled after Lunch at Twenty Minutes to Three of the Clock, Mr. President in the Chair.

**Sir Darcy Lindsay** (Bengal: European): Sir, I have listened with great attention to the speech made this morning by my Honourable friend Mr. Jinnah and I congratulate him in putting his case so ably and with such force. I appreciate the weight of the claim he makes upon Government to recognise the co-operation he and his Party have so frequently given them on important issues and I hope Government will admit this and give my Honourable friend better encouragement than the usual dry bone platitudes. It is true the Party have had their occasional lapses from the path of wisdom as I see it. I refer to the joining in with our absent friends in so-called gestures with the pious hope that Government would totter and fall before the onslaught.

**Sir Hari Singh Gour**: We never said so. We never tried to do that.

**Sir Darcy Lindsay**: Surely such gestures lose force when accompanied, as was the case of the Budget Demands last year, with the statement that the Government will have to certify. This is where the Independents have, in my opinion, made a tactical error and perhaps fallen between two stools, the result being that having shown themselves, shall I say, an uncertain quantity, friends—and in this I include the Government—who would like to have helped them have as a consequence stood aloof. There is an old saying that one cannot hunt with the hounds and run with the hare, and at times it has appeared to me that my Honourable friend has tried to make that attempt. But perhaps he was not always a free agent. I believe that between my group and the Independents there is much in common in the desire to promote the true interests of India and I know we would like to join hands with them when we consider the question at issue admits of our doing so. We, like my Honourable friend, have a duty to perform to our electorate and it is not always possible to see eye to eye with him, judging by the past. But recently I have seen possibilities of greater co-operation between his Party and ours. We recognise the wisdom of assisting the political and economic development of the country in which we live with due regard to the benefit and contentment of the various people, and personally I might like to respond to the appeal made to me by my Honourable friend to support his Party in the demand for the early appointment of a Royal Commission, for I appreciate their good work and the co-operation his Party have shown. But I cannot pledge my community to this in the face of the opinion that recent happenings have again put the clock back considerably and thereby the Statutory Commission would find other than normal conditions prevailing under the Act, that is militating against true conclusions, for if Parliament is to apply a system of Government to India which is to meet the peculiar requirements of the case, then Parliament and the Statutory Commission should be allowed to see the full effect, both of the degree of responsible government given under the Reforms and also the restrictions on responsible government which were deemed necessary in the earlier stages of development. It appears to me that the Commission would have even less to work upon than was the case last September when I expressed the view that if I were other than a good friend of India I would support the demand for the earlier appointment of the Commission. To my mind the risk is great and the results of the inquiry might prove far less satisfactory to Indian aspirations.

than an inquiry at a later stage,—not necessarily 1929—when by co-operation and mutual trust the country can prove that it is more ready to advance. If, however, the Government are with their fuller knowledge of the existing situation at any time prepared to advise the appointment of an earlier Commission and if there is reason to believe that the country supports Mr. Jinnah in his demand, I personally am prepared to reconsider the position, and I am sure my colleagues will do the same. At the same time I wish to make it clear that this is being induced in me by the Moderate Party who have co-operated in the work of the House which has been no part of the declared programme of the Party who have recently left us. I referred just now to co-operation and it seems to me that I cannot do better than quote from the speech delivered in Calcutta recently by Sir Hubert Carr. He says:

“It seems to us that the co-operation required by the Government of India Act as an essential factor in the advance of India to responsible government is very easy to conform to. It merely demands that all parties, Indian and British, shall practise collectively the good-will which exists so widely amongst individuals and, to use a colloquialism, play the game in relation to the constitution. Such co-operation is not a racial matter, nor does it demand that we shall all be on the same side in the field of politics and the Government of India have never so interpreted the demand. We quite realise that many Indians dislike the constitution at present in force; so do many Europeans. It was for this reason that we welcomed the Muddiman Report and its proposals for meeting certain criticisms and for improving the mechanism of the Government of India Act within the bounds of which it is possible for all to exercise true co-operation without sacrifice of individuality.”

It is this measure of co-operation that the Secretary of State and the Government of India have sought from the leaders of the Swaraj Party and their response on vital matters has been absent. Among the rank and file of the Party there has been a desire to co-operate as shown in committees and but for the mandate issued by the Indian National Congress at Cawnpore and its consequences, which we all deplore, I believe a way would have been found to bring sections of the House and the Government together on honourable terms. It is a revelation to me to know that the Swaraj Party are merely the mouthpiece of the Indian National Congress and act on the dictates of that body regardless of the views of the constituencies the Members are supposed to represent. We have been told over and over again by the Members that they represent and voice the silent millions throughout the country, and now the bubble has burst and the Party stands declared as merely the servant of the Congress, not a very encouraging position from which to claim a radical change in the constitution. I regret, Sir, that for the reasons I have stated I am unable to go into the lobby with my Honourable friend to reject the Demand. He is wrong in stating that we play into the hands of Government by not voting with him. We vote according to our considered judgment in the best interests of the country and not by way of an appeal to our electorate.

**Sir Hari Singh Gour:** In rising to support the motion of my Honourable friend I wish to take my stand not upon the general grounds hitherto raised in the House but upon two short facts, the Preamble to the Government of India Act and the previous promises given by the Secretary of State and the Government of India themselves. And if I can make good my position that we on this side of the House stand on these two invulnerable grounds, I submit, I shall have made out an unanswerable case in favour of the motion. Honourable Members are aware that the Government of India Act of 1919 was intended to have a short life of ten years. Whatever the Government may say or do, the Statutory Commission must be appointed on the expiry of ten years as provided in that Act.

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Now, Sir, I ask any lawyer in this House, where in a transitory statute provision is made for its expansion and the life of the statute itself is limited to ten years, what would become of the provision for expansion if no effect is given to it before the period runs out? That was a question that was once put to Mr. Montagu and Mr. Montagu is reported to have said: "You want further Reforms. Look at the Government of India Act itself. It contains within itself provisions for further expansion without the necessity of amendment". I take my stand not upon what Mr. Montagu is reported to have said but on a State document penned by Lord Peel and sent to the Government of India and read to and incorporated as a part of the proceedings of this House, and, if I can point out that the Secretary of State stands committed to further advance within the Act of 1919, I shall ask the Honourable the Home Member what answer he can give and with what face he can meet the demand that is made on this side of the House for further advance irrespective or independently of the establishment of a Royal Commission. Sir, so far as the Preamble of the Government of India Act is concerned it might be read this way and that, but the fact remains that that Preamble laid down that the declared policy of the Government was the progressive realisation of responsible government, and, Sir, with a view to insure the progressive realisation of self-government, the provisions of the Act of 1919 were made sufficiently elastic to provide for the expansion of the constitution without the necessity of parliamentary intervention. It is in that light that we on the 29th September 1921 called upon the Government to give us further Reforms and it was on that day, Sir, that the Honourable Sir William Vincent drafted an amendment which was carried unanimously with the concurrence of the Treasury Benches that the time had come for the appointment of a Royal Commission before the date appointed in the Statute. Well, Sir, time passed and we drew the attention of the Government to that Resolution passed by the Legislative Assembly and complained that no further action was taken. Meanwhile on the 26th of January 1922 this House passed a Resolution for the elimination of the distinction between the votable and non-votable items of the Budget. On that memorable occasion I find from the proceedings of this House that almost all the European representatives then present in the House voted with the majority, and that majority, Sir, was no less than 51 against 27; and I am gratified to find that my friend Sir Darcy Lindsay gave us his support and the support of his colleagues.

**Mr. M. A. Jinnah:** He has changed his mind since.

**Sir Hari Singh Gour:** I am afraid, Sir, he has since become an older and perhaps a wiser man. (Laughter.) Now I ask one short question, that if he was prepared to subscribe to the Resolution of this House that the distinction between the votable and non-votable parts of the Budget should be done away with, we shall have obtained a full measure of responsibility in the Central Legislature, because, Sir, the salaries of the Members of the Executive Council and the occupants of the Treasury Benches would then be submitted to the vote of this House; and if my friend on that day was of that opinion, that their salaries should be placed on the estimates and submitted to the vote of this House, I really cannot understand this *volte face* on the part of my friend that he to-day is not able to support a much more moderate motion moved by my friend, the Honourable Mr. Jinnah. Sir, if I may say so, my Honourable friend

in 1922 was in favour of this Resolution because the Government themselves were sympathetic and the Government did not seriously contest the legality and the logicity of the position that we then advanced, that it is incongruous that you should cut up a Budget into two pieces and make certain portions of it non-votable without reference to which we are not able to study and vote upon the votable portion of the Budget. Well, Sir, let that pass. On the 10th of July 1923 this House again adopted by a strong majority a Resolution that the Government of India should amend section 67-D of the Government of India Act. The history of that measure is well known to my friend. And then, Sir, we questioned the Honourable the Home Member for the time being and asked him what response these repeated Resolutions of the Assembly were receiving from the Government of India and the Secretary of State. And after a long lapse of one year, during which we patiently waited, we were vouchsafed an official copy of the Secretary of State's despatch—no less a Secretary of State than Lord Peel, the Secretary of State of the Conservative Government. In the course of his despatch he really said:

“Why don't you look at the Government of India Act itself; you will find in it full scope for the gratification of your ambition.”

And then he went on to add:

“No such attempt was made and the arguments used in support of the motion consequently lose some of their cogency in my view, for these reasons. In the first place they assume that progress is impossible under the existing constitution and can be achieved only by further amendment of the Government of India Act. This assumption I believe to be fundamentally erroneous. The outstanding feature of the change made by the Act of 1919 was that it provides British India with a progressive constitution in place of an inelastic system of government, and that consequently there is room within the structure of that constitution for the Legislatures to develop and establish for themselves a position in conformity with the spirit of the Act.”

Now, Sir, that was the wholesome advice the Secretary of State gave, and we took it. On the 18th of July 1923 we moved a Resolution  
 3 P.M. and asked the Secretary of State to make good his promise. He had said: “We cannot reform the Act, but within its structure there are possibilities for its expansion; explore those possibilities, and you will find there are ample materials for the gratification of your desire for further reforms.” And we, Sir, then asked the Government, as I have said, to make good this promise communicated to us from the Secretary of State. The Government opposed the motion, but nevertheless the motion was again carried by a strong majority. And what was the result, Sir? When we asked the Secretary of State to carry out the promise which was given in his despatch, he became mute and dumb. He was fairly cornered. We asked the Government of India, “What reply have they received from the Secretary of State to the Resolution of this House for the expansion of Reforms within the comprehension of the Government of India Act?” We were told that the Resolution of this Assembly had been duly communicated to the Secretary of State but that the Government of India had received no reply. Well, Sir, after a long lapse of time another question was put asking the Government of India to disclose if any reply had been received from the Secretary of State, and the answer given by the late Home Member was that no reply was received; and when further questioned as to how long it would take or did take to receive a reply from the Secretary of State, the Honourable the Home Member coughed



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and said, "Sir, it depends, it depends". Well, Sir, we waited for two years more, and we again questioned the present Home Member and asked him whether he had been the recipient of any reply from the Secretary of State, and his answer is, he has received no reply. Now, Sir, I ask a plain question: The Secretary of State says, "You want further reforms. Well, you can have them under the Government of India Act, but it is too early for us to amend the Government of India Act because Parliament would not listen to it". We said to the Government of India, "Give us those reforms possible under the existing constitution". A despatch was sent to the Secretary of State and we expected that the Secretary of State, who had in the words which I have quoted to this House promised to give us the reforms within the terms of the existing Government of India Act, would make good his promise. After two long years we find that the Government of India and ourselves are none the wiser. The Government of India say, "No reply has been received because in similar matters no reply is expected". So far as we are concerned, we have received no reply from the Government of India as to why they are unable to comply with the implied promise in the despatch of the Secretary of State. Therefore, I say, Sir, that-I take my stand not upon the broad principle laid down by my friends on this side of the House, but I take my stand upon the narrower ground, namely, that it is enunciated as a principle of the Government of India Act, 1919, that certain measures of reform shall take place before that Act itself ceases to exist, and further that the Secretary of State stands committed to the grant of further Reforms as stated in the State document of Lord Peel's which was read out to this House. I further take my stand, Sir, upon the previous Resolutions of this House, a Resolution which was concurred in by the Government of India and a Resolution of this House which, though not concurred in by the Government of India, received the unanimous support of the non-officials, both Europeans and Indians.

Now, Sir, what answer have the Government got to give to this demand? They tell us that there is the non-co-operation movement, and His Excellency Lord Reading in his speech delivered in this Chamber said that it is in the interests of India itself that the Royal Commission should not be now appointed, because the verdict of that Commission might not be favourable to India. Now, I shall deal with both these objections in their order. Now, as regards the non-co-operation movement, let me recall the facts of recent history. When the Minto-Morley Reforms of 1909 and 1910 were given to this country, what was the state of this country? We had the Bengal anarchical movement in full swing, and Lord Morley speaking in the House of Lords referred to the anarchical movement which was at that time, as I have said, in full swing. Did that arrest the progress of Reforms? It did not. In 1917 when the celebrated pronouncement on the future policy of the British Government in India was made in the House of Commons, what was the condition of this country? Had not the non-co-operation movement obtained its fullest momentum and did it not reach its apex in 1919, when the Statute known as the Government of India Act, 1919, was hurried through the two Houses of Parliament in England? Was anything then said by the Government of India or by their spokesman in the House of Commons or the House of Lords that the strength of the non-co-operation movement



being in its full swing, further Reforms towards the progressive realisation of self-government in India was impossible? In 1921, and again in 1923, as every schoolboy knows, the non-co-operation movement in this country was at its fullest height, and yet when we moved these Resolutions in this House, not one single word was said as to the existence of non-co-operation as retarding the political progress of this country. Then, again next year in 1922 when we moved our Resolution for the submission of the entire Budget to the vote of this House, was anything said about the existence of the non-co-operation movement? I submit not. For the first time in 1925 we are inducted to this new argument, the existence of the non-co-operation movement in this country, as if it were a new thing, as if it had not been in existence for nearly a decade, as if it were not then moribund, and I venture to submit, comparatively negligible. We were for the first time then told that this was an insuperable objection to the grant of further Reforms. Now, Sir, I should have expected that the Honourable the Home Member as a protagonist of the debate on the side of Government would be able to invent a better reason than that. It seems to me, if I may venture to say so, so flimsy a pretext for the refusal of our just demands that I need not detain you for a single moment.

Then, Sir, the second and the next objection of the Government is a very benevolent objection, because it is expected to be in the interests of the people of India. We are told—and Sir Darcy Lindsay has reiterated it in his speech a few minutes ago—that the immediate appointment of a Royal Commission would not be in the best interests of India. Now, Sir, is the Honourable the Home Member a judge of it, any more than we, who are the representatives of the people, who are asking for a Royal Commission? Was the Honourable the Home Member who promised us an early Royal Commission in 1921 not as able a judge of that fact as the Honourable and distinguished occupant of the Treasury Benches to-day? He never said that the Reforms had only been in existence for one year and, consequently, sufficient experience had not been gained and that, if the verdict was challenged, that verdict was not likely to be in favour of India. He never said so in 1921. He never said so in 1923. Even the Secretary of State did not say so in 1923. It is only for the first time to-day or rather it was for the first time last year that we were told that a Royal Commission, if appointed, might prejudice the advance of India. Now, Sir, I ask one question. If the Royal Commission is to prejudice the cause of India because it is appointed in the year 1926, how will it not prejudice the cause of India if it is appointed a few months later? But what does the Honourable the Home Member know about it. If he does not know, I hope the Honourable the Finance Member will correct him. What difference is there between 1926 and 1929?

**The Honourable Sir Basil Blackett:** Three years!

**Sir Hari Singh Gour:** Three years, we are told. But what, Sir, are three years in the life of a nation? And is there any guarantee that the lapse of three years will extinguish the non-co-operation movement? Is there any guarantee that, if a Royal Commission is appointed three years later, the verdict of that Commission will be in favour of India and if it is appointed now, its verdict would be unfavourable to India? I ask, Sir, my friend the Honourable the Finance Member, who has assisted the Home Member, to tell me what difference would it make. I say, Sir, it will make

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no difference at all in the long life of a nation. We live in a country where we have been counting our progress not in months and years but in æons and we live in a country where we have been asking the Government not last year or the year before last but ever since the birth of this Assembly to hasten the progress of further Reforms.

**The Honourable Sir Basil Blackett:** May I ask the Honourable Member for how many years there are in an æon?

**Sir Hari Singh Gour:** That depends, Sir, upon the view my friends, the bureaucrats, take. It might mean three years, it might mean 30 years, it might mean 300 years. It is a matter entirely for the calculation of my friends on the other side of the House. Now, Sir, I therefore ask a plain question. You say that the non-co-operation movement stands as an impediment to further Reforms. You say that if the Royal Commission is now appointed it will prejudice the case for India. How do you justify it in view of the fact that the Commission must eventually be appointed in 1929, unless you have something up your sleeve, even to evade this statutory requirement of the Government of India Act? If you have that, please let us hear it now, and I ask, Sir, if the Government of India Act provides for the appointment of a Royal Commission in 1929 it stands to reason that Parliament must appoint this Commission, in order that it may function in 1929, at least twelve months earlier. Therefore, I submit that we are not asking for a very grand favour of the Honourable the Home Member. We are only asking him to hasten the formation of the Royal Commission by a few months, really two years, and I therefore feel that the Honourable the Home Member will accede to the request made by this side of the House and I once more appeal to my Honourable friend, Sir Darcy Lindsay, and his colleagues, who went with me into the division lobby on that memorable day when we decided to eliminate the distinction between votable and non-votable items, to once more follow us into the same lobby and advance the cause and progress of India.

**Mr. N. M. Dumasia** (Bombay City: Non-Muhammadan Urban): Sir, the motion that has been placed before this House by my Honourable friend, Mr. Jinnah, has given me a nightmare, but the ground has been cleared for me by the statement that he would be satisfied if Government announced the appointment of a Royal Commission and its personnel at once. We all wish that Government would do so, but we must recognise the difficulty that stands in the way of Government. I am sure that in view of the present political situation that has been created by the action—I will not say unjust action—of a powerful and highly organized political party, Government cannot do a greater disservice to India than by appointing immediately a Royal Commission, for which I pleaded in 1924 when I pointed out the inadequacy of the Reforms and the necessity for revising them. I still adhere to that opinion and think that the defects in the constitution should be at once revised and provincial autonomy be granted. I would not therefore do anything that would stand in the way of the consummation of that end. I admire the courage of Mr. Jinnah in view of the knowledge of the fact that he ploughs a lonely furrow. I take off my hat to him for the services and sacrifices which he has rendered in the interests of the country. I agree with his views but I disagree with the method adopted to show our disapproval of the policy of the Government

There is an air of unreality about the whole situation. We have to look to the fact that our action will produce a bad impression on the outside public, we cannot escape from that. Already telegrams have gone forth to the world about the exodus of the Swarajists; and now the wires will be put in motion to inform the world about what will be termed Mr. Jinnah's attempt to paralyse and destroy the Government. (*An Honourable Member*: "Who wants to do that?") This Resolution of censure is tantamount to that. (*An Honourable Member*: "Certainly not.") (*Another Honourable Member*: "Those people must be fools if they think so.") We should not do anything to force them to believe that. If certification is bad, it is equally bad to coerce Government into using that power. I would be the last person to force the Government into using abnormal power for a normal purpose. The debate on the constitutional question could have been easily raised in a different manner. The government of the country must be carried on. Whatever it may be, it is our only Government. In England if you pass a vote of censure, the Government goes out, but there is another Government to take its place at once. In India, supposing we drive out this Government, what is there to take its place? You cannot destroy the stately fabric of a stable Government to please one section of the people. After all I do not love a Government that places a tax upon knowledge and upon education. I do not like a Government that taxes an excellent illustrated paper; but, Sir, I cannot withhold my sympathy from the Government which is to-day placed in an awkward position. Sir, our destiny is in the hands of the British nation. Before the Commission comes out we have to convince the British nation that we are ready to shoulder our responsibilities to-day. Have we done so? The exodus of the Swarajists will be tendered as evidence of their unwillingness to shoulder their responsibility. Sir, in a great speech which my master, His Highness the Aga Khan, delivered at Aligarh on the Morley-Minto Reforms he said we shall be judged by the use we make of these Reforms. Our deserts will be in proportion to the power we exercise. That holds good to-day. If we make use of these inadequate Reforms, then it is clear that the next stage will be better than the last one. But if we fail to shoulder those responsibilities, if we say we shall have nothing to do with the Reforms, what will the English people think? They will say, "You do not want the Reforms; very well, let us go on without them". That is the effect that our action will produce upon the British nation and on outsiders. If you want a Royal Commission to-day, you can have it, but it will have a prejudicial effect as regards the interests of the country . . . . .

**Sir Hari Singh Gour**: We will chance it.

**Mr. N. M. Dumasia**: If you want an immediate Commission it will rest with the recommendation which the Government of India will make to the Home Government. What are we doing to strengthen the hands of the Government? Are we showing our good-will towards that Government by this vote of censure? I would not be a party to any action which would destroy them (*Hear, hear*). In spite of their faults, this is the only Government that has stood between India and anarchy. We have daily conflicts with the Government, but we do not know what conflicts we will have with our Swarajist rulers. If we could look into the dim distant future, we might be able to see what conflicts we might have with our

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Swarajist rulers in the future. (*Several Honourable Members*: "Order, order.") I am only saying that we have to consider what is hidden for us in the future. Sir, I am opposed to the power of certification and veto, and we shall be careful not to do anything which will give an excuse to the Government to retain that power. If you pass this vote of censure, the power of certification will never be abandoned. If you will read Lord Reading's speech of September last, you will get the right cue.

**An Honourable Member:** Honours.

**Mr. N. M. Dumasia:** Well, Sir, I do not crave honours and I strongly protest against such insinuations being made against me. I am performing my duty according to the dictates of my conscience. A gentleman came to me yesterday and said, "Vote against the Government, the elections are coming". Whether the elections are coming or not, I want to say what I think. Sir, if you will see in the Proceedings of the Legislative Assembly, Volume VI, No. 1, at page 11, you will find the remarks of His Excellency Lord Reading where he says:

"The inquiry contemplated by the Act will be a genuine and an impartial inquiry. Nothing will be prejudged. It will proceed upon the facts of the situation as ascertained upon the evidence produced to the tribunal. And here I must remind you of the words of the Preamble to the Government of India Act, which have already been quoted by the Secretary of State: 'And whereas the action of Parliament in such matters must be guided by the co-operation received from those on whom new opportunities of service will be conferred, and by the extent to which it is found that confidence can be reposed in their sense of responsibility.' If those are to be the principles to guide the Commission to its judgment, I cannot think, as a friend of India, that it should commence its inquiries immediately."

I ask my friend Mr. Jinnah, how are you going to get over that authoritative statement?

We must remember that after all Englishmen are great builders. They are a world power and they have built a great Empire. (*Dr. S. K. Datta*: "New Delhi"). Yes, New Delhi, and also the constitution which has got you here. Sir, our India has produced many patriots, many orators and many eloquent debaters. (*An Honourable Member*: "Like Mr. Dumasia!") Sir, we have to-day to show that we have our builders also, and that is what we have to prove here. It is easy to destroy, but difficult to build. (*Sir Hari Singh Gour*: "Who built the Taj?") Sir, if the Commission is wanted at an early date—and we all do want it—then first of all it is necessary to create a favourable atmosphere and replace the elements of bitterness and suspicion by the spirit of good-will. Unless we are in a position to prove that there is genuine co-operation on the part of the responsible Indian political leaders in working the Reforms, the early appointment of a Commission would not in my opinion accelerate but impede the political progress of India. There is no royal road to constitutional progress; there is no short cut to the path of political progress. Constitutional problems are not solved by votes of censure or by mere phrases, however heroic they may appear. They must be approached with a sympathetic understanding of the complexities and difficulties of Indian political problems which are of a peculiar nature and they must be tackled from the point of view of practical politics and wise statesmanship. The Reforms, however inadequate, gave us great powers and conferred upon us opportunities of service. What use have we made of these opportunities for service? That is a question which must be

answered before we get on to the next stage. We shall be judged by the use we make of the Reforms and by the way in which we try to serve our country. Sir, if we are to promote the best interests of our country, we have to work in harmony and in co-operation with the Government and in agreement with all parties. Sir, we should not forget that the Government established by law is after all a stately fabric of stable Government, and anyone who tries to destroy it, anyone who tries to paralyse it, is not a friend of the country. Such a demonstration may succeed in catching votes but it will do no good to the country. What the country wants is not words but work.

**Mr. Mahmood Schamnad Sahib Bahadur** (West Coast and Nilgiris: Muhammadan): Sir, the policy of the Government is not at all satisfactory. They deserve many of the remarks made by the Honourable Members this morning. There are many more things to be said. For all this the Executive Council is responsible as the advising and administrative machinery of the Government. We do not want to destroy the Government but we want that the Government should mend. One blot on the escutcheon of the Government which I wish to emphasise is the administration of the Andamans and their Andamans policy. As the House is already aware, the Jail Committee, composed as it was of eminent men of varied and world-wide experience and presided over by no less a person than Sir Alexander Cardew, Acting Governor of Madras, found those islands quite unhealthy and unfit for convict settlement, and therefore recommended their abandonment as such. They found the place malarial, devoid of reformative influences and sunk in immorality. Now, also, Sir, the place is no better, if not worse. Besides the prevalence of unnatural vices, owing perhaps to the limited number of women available there, the proportion being only 1 to 10, no woman is safe there. She can go to anybody without any restriction of caste or religion. In 1921, therefore, the then Home Member, Sir William Vincent, on the floor of this House, announced that the Government of India had decided to close the Andamans as a penal settlement. Thereafter, further transfer of prisoners to the Andamans was stopped and a beginning was made gradually of retransferring the prisoners who were already there to the Indian jails as accommodation permitted . . . . .

**The Honourable Sir Alexander Muddiman:** Sir, I have not the least desire to stop the Honourable Member, but I would ask for a ruling that if he is discussing our policy about the Andamans on this head, he will not be able to do it again on his motion, of which he has given notice under another Demand.

**Mr. President:** The Honourable Member will not be entitled to raise the question of the Andamans later if he wishes to raise that question now on this Demand. Perhaps the Honourable Member wants to make out a case that all these things would be set right if a Royal Commission were announced and further Reforms were granted. That is what the Honourable Member is driving at if the Chair has understood him aright.

**Mr. Mahmood Schamnad Sahib Bahadur:** Yes, Sir, that is what I am saying. I am going to point out the maladministration that exists in the Andaman Islands . . . . .

**Sir Hari Singh Gour:** Quite right.

**Mr. B. Das** (Orissa Division : Non-Muhammadan): Do you want to send the Government to the Andamans?

**Mr. Mahmood Schamnad Sahib Bahadur:** Now, Sir, following up this policy, several Government plantations which were being worked with convict labour were handed over to private individuals and European capitalists, the best and the most extensive plantations going to the share of Europeans, of course. Now the Government want to undo all this and go back upon their decision by sending prisoners again there. Several hundreds of Moplah prisoners have already been sent there. Why? It is said, for the convenience of the free-born population, but really for providing cheap labour to the European capitalists. In this connection I may mention that when in October last the Honourable the Home Member visited Port Blair, which is the place prepared for the convict settlement by clearing the thick jungles with which all the Islands are covered, some of the local born people were made to present a memorial by some interested officials and others to the Honourable the Home Member. In that Memorial one of the prayers was, I am told, that the Andamans should not be made a free settlement by throwing them open for unrestricted colonisation, but strangely enough that they should be kept as a penal settlement. Although the convicts were not allowed to approach . . . .

**The Honourable Sir Alexander Muddiman:** Who was not allowed to approach?

**Mr. Mahmood Schamnad Sahib Bahadur:** Of course, the convicts were told not to approach the Honourable Member, and that they would be tied and whipped if they did so.

**The Honourable Sir Alexander Muddiman:** All I can say is that a great many people did approach me.

**Mr. Mahmood Schamnad Sahib Bahadur:** Although the convicts were not allowed to approach the Honourable the Home Member and freely explain to him their grievances, yet it was fondly hoped that the visit of the Honourable Member would have some beneficial results and he would save these unhappy souls from this perdition. But the Resolution of the Government of India issued on the 27th of March last, about their future policy regarding these Islands is, against all expectations, quite disappointing. They say in paragraph 5 of that Resolution:

"There were many reasons why abandonment could not for a moment be contemplated. One important consideration was the existence of the local born population who have grown up in the settlement and know no other home. It would be a very serious hardship to them if Government abandoned the settlement altogether. Another consideration was that the islands occupy an important strategic position in the Bay of Bengal, have a fine harbour, and are a very distinct asset to India from the naval point of view. The meteorological and wireless stations are also of much value to shipping in the surrounding seas. Apart from these considerations there is the inherent wealth of the islands, agricultural and forest, and the possibility of developing them into a valuable asset."

Well, Sir, all these arguments and difficulties are really imaginary. Whatever there is will disappear altogether if the recommendations of the Jail Committee are carried out. It is not intended . . . .

**Mr. President:** Order, order. The question before the House is not whether the recommendations of the Jail Committee should be carried out. The question raised by the Honourable Mr. Jinnah is the question of the early announcement of a Royal Commission. It is a purely constitutional issue and the Honourable Member has not said one word about it yet.

**Mr. Mahmood Schamnad Sahib Bahadur:** What I say is that if Reforms are granted, these defects, real defects that now exist in the different administrations but are not apparent to the House will disappear. It is not intended that these islands should be abandoned altogether and allowed to be taken possession of by the Chinese or anybody else. All that is wanted is to close them as a penal settlement. How can these strategic or maritime considerations then arise at all? The islands can be and must be developed, agriculture and exploitation of the forests also must be attended to, but not by the highly objectionable system of forcing the convicts to work but by purely free labour from outside. In order to develop them fully and make them a really valuable asset you will have to remove all the restrictions that exist now. Free intercourse with the outside world should be allowed. It should be made a place of call for all steamers running to and from Rangoon. The expenditure in 1924-25 was Rs. 41½ lakhs.

**Mr. President:** Order, order. I am afraid I cannot allow the Honourable Member to go into all these details. I have allowed him sufficient latitude.

**Mr. Mahmood Schamnad Sahib Bahadur:** For these reasons, Sir, I wish to support the motion that has been moved.

**Sir P. S. Sivaswamy Aiyer** (Madras: Nominated Non-Official): Sir, I rise to support the Resolution which has been moved by the Honourable Mr. Jinnah. With great forbearance the Honourable Mr. Jinnah has confined himself to the purely constitutional issue. He might have drawn a wealth of illustrations from the whole range of administration of the Government. Sir, in the case of any Government which has been in office for a number of years, there will always be found ample material for an indictment of their policy. But in the case of a bureaucratic Government which has stood in office so long and which threatens to stand for many a long year to come there will be no difficulty whatever in finding plenty of material for an indictment.

Sir, I shall devote only a few brief remarks to this question of Constitutional Reforms upon which my Honourable friends who have preceded me have spoken at length. The Reforms which have been introduced under the name of dyarchy were not appreciated by anybody in India at the time they were introduced, not even by the members of the bureaucracy. They considered it a very curious, very anomalous, very queer institution and it was dissected mercilessly by no one more than by the responsible members of the Civil Service. And yet for some reason or other, once it has been introduced they have discovered great beauties and virtues in the system and they are so highly enamoured of this system of dyarchy that they do not wish to make any alteration of that system. The defects of the system of dyarchy have been admitted in the very Resolution by which the Committee on Constitutional Reforms was appointed. The Resolution contains an express reference to the inherent



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defects of dyarchy. Defects being inherent in the very system, the question is, how long this system is to continue. There can be only two solutions, either a move forward or a move backward. You cannot stand still and I submit that it is impossible you can move backwards. If you are bound to move forward, then why not take the step as early as possible and remove that feeling of distrust in the sincerity of your intentions which I venture to say is universal throughout this country and is widespread among all classes and communities. It is said that the Government of India Act laid down certain conditions one of which was that further progress would be dependent on the degree of co-operation received. Now, the lack of co-operation on the part of the people is often put forward as an excuse for not taking a step forward. I have asked before on the floor of this House and I ask it again, was there not co-operation on the part of the first Assembly? It may perhaps be said that there was no doubt co-operation on the part of one section of the people, but there has been no co-operation on the part of other sections. What is to be the extent of the co-operation which according to you constitutes the condition precedent to any further move? Is it co-operation on the part of every one of the 300 millions or is it co-operation on the part of all classes and communities of the people without any single exception at all? I submit that it cannot possibly have been the intention that there should be proof of universal co-operation on the part of all the people of this country. We have shown that there are politicians in this country who have been willing to co-operate and who did successfully co-operate with Government during the lifetime of the first Assembly. The plea of lack of co-operation on the part of the people is, I submit, only an excuse for not moving forward. If you consider again the question, what it is that has caused lack of co-operation on the part of other sections, it is simply this that they do not trust your declarations. They do not believe that at the end of the statutory period of ten years they are going to get these Reforms. What has been done by the Government so far has certainly not gone to dispel these suspicions as to their intentions. Now let us take a few instances by way of illustration with regard to the attitude of the Government. Sir, let us take the attitude of the Government with regard to the recommendations of the Muddiman Committee itself. There was a difference of opinion on certain points between the majority and the minority but there were other recommendations which were unanimous—in fact almost all the recommendations of the majority were concurred in by the minority and it is the majority that refused to go as far as the minority. Now, so far as the recommendations of the majority were concerned, what effect has been given by the Government to those recommendations?

**The Honourable Sir Alexander Muddiman:** And how warmly were they pressed upon the Government by those who signed the minority report?

**Sir P. S. Sivaswamy Aiyer:** We agreed in all these recommendations. I would only refer to a few important ones, the joint deliberation of the two halves of the Government, the collective responsibility of the Ministers, and the entrusting of the financial portfolio to a Member who held charge of no other portfolios. There was also a recommendation about the transfer of the Forest Department. Has any action been taken upon these recommendations? Possibly a very considerable amount of noting may have been done in the Secretariat but in what stage these recommendations are, the outside public has no opportunity of knowing. We are



entitled legitimately to complain that notwithstanding the fact that the Report was published some time in the end of 1924 or the beginning of 1925 no action has yet been taken, and I believe the reply which has been given by the Honourable the Home Member to questions is that the subject is still under consideration. Upon a few small matters I know that action has been taken but upon all these 3 or 4 questions which I mentioned, the transfer of the Forest Department, the joint deliberation of Ministers, the collective responsibility of Ministers and the assigning of the financial portfolio to a Member who has charge of no other portfolio—upon all these points I am not aware that any action has yet been taken, at any rate none has been announced, and the House is entitled to complain of the inaction of the Government.

I pass on from this to another question. I complain that the attitude of the Government has throughout been one of stagnation and want of progressiveness. Procrastination is writ large on the doors of every one of the members of Government. Procrastination and unprogressiveness have been the leading characteristics of the Government. Viceroys may come and Viceroys may go but the bureaucracy rules for ever and goes on in its usual groove. Now let me refer to a few instances to illustrate my point. There is no question so hoary as the separation of judicial and executive functions. In the time of the first Assembly a Resolution was moved upon the subject and Sir William Vincent then said that it was a matter primarily for the Local Governments and if any Local Government wished to take action in regard to that matter, this Government would be willing to help it by undertaking the necessary legislation. Now, several Local Governments have expressed their wish to carry out this reform for which the public have been pressing for the last 40 years.

**The Honourable Sir Alexander Muddiman:** I do not want to interrupt the Honourable Member. I raise no objection to the course he has adopted but I do want to come to an understanding. If my Honourable friend raises these points now, they cannot be raised again on other motions.

**Sir P. S. Sivaswamy Aiyer:** I do not wish to raise them again. The House is not likely to get any other opportunity in this debate for raising these points. I refer to them merely by way of illustration.

**Mr. President:** The Honourable Member is making out a case for a Royal Commission.

**Sir P. S. Sivaswamy Aiyer:** Quite so. I say it is because the Government are so firmly entrenched and so unresponsive that they do not care to carry out the reforms for which we have been pressing. It is a fact which shows how the whole constitution of the Government requires a change. If the Government had been changed as the public have been pressing for, they would not have set quiet upon the demands of the public which have been pressed time and again during the last four years. The case that I have just mentioned is an excellent illustration of the stationary or vegetating attitude of Government and of their want of progressiveness. Then, Sir, I may refer to one or two other matters by way of further illustration of this want of responsiveness in the Government. In the very first Assembly there were a number of matters about which the House expressed itself in no uncertain terms. A number of Resolutions were passed in the first Session of the first Assembly on the Esher Committee's Report and in a few unimportant matters action has been taken; but upon really important questions, such as the admission of

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Indians to all branches of the Army, the throwing open of a larger number of King's Commissions, the establishment of a Military College, the throwing open of King's Commissions in the Territorial Force, and various other matters—in regard to all those matters that really do matter no action has been taken by the Government. Perhaps that statement of mine requires a little qualification . . . .

**Mr. E. Burdon** (Army Secretary): My Honourable friend says that nothing has been done regarding the throwing open of King's Commissions in the Territorial Force. I think my Honourable friend must have forgotten the facts.

**Sir P. S. Sivaswamy Aiyer**: I was going to make a complaint about it in the next breath. The Territorial Force Committee was appointed in the year 1924. Our Report was published in February 1925; and my complaint is that no action has yet been taken upon that Report, notwithstanding the fact that the recommendations were all unanimous. My complaint is not that action has not been taken upon all the recommendations, because it may conceivably be the case that some of the recommendations may require further consideration. My complaint is that even those recommendations which were of an entirely non-controversial character, as in the matter of the University Training Corps, have not been carried out. So far as I am aware no one has taken any exception to the necessity for expansion of the University Training Corps. And yet in the Budget of 1925-26 no provision was made for this and in this year's Budget also, 1926-27, no provision is made for the expansion of the University Training Corps. I know that if it lay in the hands of my friend Mr. Burdon, the matter would not rest where it is. I know he is full of the most excellent intentions in this behalf and I only wish that Mr. Burdon could move the Government to proceed much faster than they have. My complaint is want of progressiveness and stagnation and inactivity. That I submit is amply made out by the fact that a year's delay has taken place over non-controversial recommendations and effect has not been given to any of them yet. Before passing from this subject, there is one announcement by the Government for which I am bound to express my sense of thankfulness in the course of my general condemnation; and that is the announcement by the Viceroy about the Royal Indian Navy. I am grateful to the Government and to His Excellency the Viceroy for this announcement. But this subject of the admission of Indians to the Navy was mooted in 1921, and the Inchaape Committee recommended the conversion of the Royal Indian Marine into a Royal Indian Navy in 1923. The conception of an Indian Navy has taken nearly five years. What further length of time the process of gestation may take, and when we shall see a beginning actually made, we do not know. We do not know how many further difficulties there may be to encounter between the announcement of the idea and its actual materialization. Of course there are a great many difficulties in the way which I do not ignore. After you get your training ships you have to find your men and they have to go through their course of training—difficulties which I for one am not in the least disposed to ignore. But what I say is that when we shall see the training ships, and when we shall see the classes started, are still matters of great uncertainty. In this picture of procrastination, I must however confess that there is one Commission upon whose recommendations I cannot accuse the Government of delay in action and that is the Lee Commission. (Laughter.)

Sir, there is only one other matter to which I wish to refer in support of my general charge of want of sympathy and want of progressiveness. The point that I am going to refer to illustrates not merely a want of sympathy but a want of breadth of political vision: I refer to the way in which the Burma Expulsion of Offenders legislation has been treated by His Excellency the Viceroy. That was a measure which contained in it the seeds of inter-provincial conflict and a narrow provincialism, and yet this measure was passed without any hesitation. I suppose the justification is that it was passed because the principle of provincial autonomy, of which we are all advocates, required it. But nobody has yet defined the exact limits of provincial autonomy, and when the day comes for an exact definition of provincial autonomy, I for one should be disposed to define it in such a manner as to restrict the liberty of Provincial Governments to act in such a way as to interfere with the just rights and freedom of citizens of another province within the same Indian Empire. That, I say, illustrates the narrowness of political vision of the Government. In various other directions, if the Government had been constituted on a popular basis, they would not have been so irresponsive to the needs of the hour. So far as this particular proposition is concerned, though I have spoken in support of it, I do not propose to support it with my vote (Laughter). My reason is that our great complaint against the Members of Government is that they are out of touch with the people, and I think it would be hard upon them that we should deprive them of some little chance of coming into touch with the people and of getting some glimpse of popular views and wishes. For that reason, and for the reason that I do not wish to be a party to any vote which is more than a vote of censure and which will compel the Viceroy to restore any grant, I am not going to support it with my vote. I shall be neutral, but I am quite at one with my friend, the Honourable Mr. Jinnah, in considering the conduct of Government, as it has been disclosed in various matters of policy to some of which a reference has been made by way of illustration, is such as to deserve the very severe censure of this House and such as would have been sufficient to turn out any popular Government from office.

**The Honourable Sir Alexander Muddiman:** Sir, if I have risen at this stage, it is partly because I feel if I do not rise soon I should  
 4 P.M. be involved in a multiplicity of matters which it would indeed be difficult to answer. The indictment will be made very wide and will include every cut on the list of amendments. I feel that there are many Members who feel that if they do not get a dig in now they may not get a dig at me at all. Therefore, while the matter is within the compass of ordinary human memory, I will endeavour to deal with the position in so far as it has been brought forward; and if I do so in reverse order, it is because I wish to clear away those elements which have been imported into this debate which are not perhaps strictly relevant but have been brought up from a sense that the Executive Council travelling allowance vote is a very fair opportunity for commencing the hunt of the general hare.

First of all, let me congratulate my Honourable friend Sir Sivaswamy Aiyer on the statesmanlike conclusion of his speech. It is always a matter of very great pleasure to me to listen to my Honourable friend, for I know that after he has scolded me for a sufficient period, he will then say: "But he is not a very bad boy after all and I will not throw him out." He also made a real point when he said that if you cut away this allowance you

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will prevent those Honourable colleagues of mine who are not so familiar with the country side as I am from being more familiar with it. (*An Honourable Member*: "Special saloons.") Sir, I am only recently travelling in a special saloon. In my earlier days I travelled on an *ekka*, which my Honourable friend Mr. Jinnah has never done. (*An Honourable Member*: "That is what you should do now.") My Honourable friend Sir Sivaswamy Aiyer has brought general charges of stagnation and lack of enterprise on the part of Government. He has said "You have done nothing. For five years you have drawn your pay and nothing has been done." Is that a just charge? It is not a just charge. Many things have been done. I will recite a few of them for his benefit. What about my Honourable colleague's fiscal policy? What about discriminating protection? What about taking over the Company Railways under State management? What about the separation of railway finance from general finance? What about the Workmen's Compensation Act? What about the amendment of the Factory Act? What about the Trade Unions Act? What about the debt redemption scheme? What about the opium policy? What about the Royal Indian Navy? What about the Army? Have we done nothing? What about the Bills I have brought in and you have thrown out? (Laughter.) Sir, I am grieved that my Honourable friend who has had a career, a most useful career of service to his country, should reproach the Government with a record of stagnation. I myself, Sir, am surprised that a Government which have committed so many reforms should still exist. It was said that a popular Government would never have been able to withstand the effects of a stagnating policy. I may say this, that if any popular Government, with which I am acquainted, had ventured to thrust so many reforms on its own electorate or enact anything like the number of measures enacted by us it would certainly be defeated in the ensuing election by the vested interests which it would have offended. That, Sir, is my answer to Sir Sivaswamy Aiyer. He said that effect had not been given to all the recommendations of the majority report of the Reforms Inquiry Committee. Sir, I say quite frankly to this House that, if I had had the support of this House, effect might have been given by now to all these recommendations. But to say that nothing has been done on them is not correct. I think I have now dealt with most of the points raised by my Honourable friend.

My Honourable friend Diwan Bahadur Rangachariar also referred to the question of the separation of judicial and executive functions. Three Local Governments have reported and the Government of India have considered their reports. I have tried to find some common denominator, something that would link them together and would enable us to proceed. The Government of India, it is true, have not yet arrived at their decision in the matter. That decision has, I admit, been long delayed, but I do not think it has been delayed a day too long.

I now come to my Honourable friend Mr. Mahmood Schamnad who spoke about the Andamans. Now, Sir, I desire to speak to the House very earnestly on this matter because I have only recently returned from the Andamans.

**Maulvi Muhammad Yakub**: We thought you would never return.

**The Honourable Sir Alexander Muddiman:** My Honourable friend may not be so fortunate if he goes there. But I visited those Islands with a very particular purpose. I visited them by virtue of the very grant which is now being attacked. I wish to say here and now that my visit was of great benefit and enabled many outstanding questions to be decided to the great benefit both of the free and of the convict inhabitants of those Islands. If I had known that my Honourable friend was going to raise the question of the Andamans on this Demand I would have brought down to this House certain photographs which I have got of the Andamans and would have placed them on the table. They would have been very instructive and interesting. Now, Sir, I should like to read to the House certain passages from a Resolution that has just been issued by the Government of India. One of the questions that was under discussion when I went there was: what should be done in the matter of making the holding of land easier?

**Mr. Mahmood Schamnad Sahib Bahadur:** Sir, on a point of order. I was not allowed to explain my case and I am afraid the Home Member will not be in order if he attempts to reply to points I have not been allowed to touch upon.

**Mr. President:** Order, order. The Honourable the Home Member is replying in so far as the matter has been dealt with by the Honourable Member.

**The Honourable Sir Alexander Muddiman:** My Honourable friend is naturally anxious that I should not proceed further in the matter because he knows that, if I do so, I shall demolish his case. The point I have to make is that, when I went there, I found that the system of allowing convicts to take up land was producing most beneficial effects. I was also able to change the land law by which a convict who was given a holding will on release have permanent rights in it. I found there very considerable prosperity and I saw there many of my friend's countrymen and co-religionists both happy and contented. I believe there is a prospect of prosperity for the Islands. Sir, I shall follow your ruling and will not, therefore, go deeper into the matter. It would however give me very great pleasure to have had a debate on the Andamans because I think there are many matters that I can bring before the House from my personal knowledge. I have now disposed of, Sir, what I might call matters which are in some degree extraneous to this debate.

Sir, the debate was originally raised by my Honourable friend Mr. Jinnah. I always listen to my friend with great interest and I will meet him as far as I can in the same considered and calm way in which his speech was made. I will, in the first place, give vent to a feeling of regret, shall I say of disappointment, that he was not able to find anything but slight contempt for the Budget which my Honourable colleague has brought forward? Now, Sir, I regret that for after all you gain nothing by not acknowledging benefits received, and if there is one thing on which I am most clear it is that the people of India and the Government of India owe a great debt of gratitude to Sir Basil Blackett for his work in the Finance Department, and more especially for the present Budget which he has presented. (Applause.) In saying that I will add that he is one of the most difficult Finance Members to deal with when I want money that I have ever met. (Laughter.)

Sir, I pass from that to deal with another matter which my Honourable friend said cast a heavy cloud over this Assembly. I thought—possibly

[Sir Alexander Muddiman.]

wrongly—that the other day I was charged by the Honourable Pandit with dealing with levity with the matter. Nothing was further from my desire to deal with a serious subject with levity or lightness. If I occasionally venture to approach matters from that point of view, it is because sometimes one has either to laugh or to cry. Those who are anxious for the political advance of India—truly anxious—cannot view the set-back that has taken place within the last few days to their aspirations, without great regret. I am not here to carry matters one inch further. I am not going to indulge in any criticisms which might excite or exacerbate, and which might prevent a return which I should greatly deplore. I must however make myself quite clear that in my judgment a severe blow has been inflicted on the prospect of political advance. Those who are not so familiar with the actual facts, the actual exigencies as I am, will take an even more unfavourable view. Sir, I picked up my telegrams the other morning and I saw that Monsieur Briand on his departure for Geneva on the eve of a political crisis observed that “Ours is an awful profession”, a thought which must be in the minds of many Indian political leaders to-day.

Now, Sir, Mr. Jinnah, if I understood him rightly, is now pressing for a Royal Commission. That is the burden of his speech, if I understood it, that a Royal Commission is to be immediately appointed. I have not quite understood whether he means a Statutory Commission contemplated by section 84-A of the Government of India Act or not.

**Mr. M. A. Jinnah:** I said I wanted a Royal Commission in accordance with section 84-A, and also that I wanted the personnel of that Commission arranged to the satisfaction of public opinion.

**The Honourable Sir Alexander Muddiman:** I am very glad to know that what my Honourable friend does want is the appointment of a Statutory Commission under section 84-A of the Government of India Act. I was asked in another place for a Commission which was not of the kind contemplated under section 84-A. In support of his argument Mr. Jinnah put forward various considerations. If I understood him rightly he asked for this Commission not because he wanted an inquiry only but because he is satisfied in his own mind that he has a case which, if he brought it before a Royal Commission, would help him in obtaining further advance. If that is not so I cannot myself understand why he wants a Royal Commission at this present moment. Unless you believe that you have a case sufficiently strong to convince the Commission that an advance is desirable, then I cannot understand why any Indian of Mr. Jinnah's way of thinking can desire it. What are the facts? These Reforms have been in operation five years. We have reached the half time of the period contemplated by the Act before the Royal Commission, the Statutory Commission, must be appointed.

Now in the first Assembly it is undeniable and undenied that a large proportion of those politically minded in India boycotted the Assembly and remained outside. That is undoubted; it is equally undoubted that when the second Assembly was constituted, a large body, I believe it may be correctly stated to be the largest single group, I will not call it a party, in this House came in with the avowed intention of rendering the working of the Reforms impossible.

**Diwan Bahadur T. Rangachariar:** A mere intention which was never carried out.

**The Honourable Sir Alexander Muddiman:** I agree, Sir. I am obliged to my Honourable friend for saying that; it brings me to my next point. The intention, as often happens, was softened by association. It has been said that we, the representatives of the Government who sit on these Benches, are playing with the matter; are endeavouring to postpone; are endeavouring to put off the evil day; are endeavouring in fact to provoke a breakdown of the Reforms. Now can any one who has seen the method employed by the Government Benches seriously put that forward? Sir, I am not a man of patient character, I am not a man who makes a habit of exposing his cheek to the smiter, nor judging from my experience are my colleagues in that category; and yet they have exercised, I think the House will admit, great patience, and often under great provocation. (Applause.) I make no claim that in doing that we have been doing anything more than our duty. It is our duty in every way to carry out the avowed policy of the Parliament, as laid down in the Government of India Act, and in doing so, it is our bounden duty to subordinate those combative instincts which, after all, are only natural to all human beings. We have avoided doing that, and the effect I think has been considerable. There is no doubt that the Party that came to curse remained to bless even if only temporarily. That a good deal was done to bring the parties in this House together there is no doubt, and I extremely regret that at the end of the dying Session, a step should have been taken which must have the effect of breaking that harmony. It cannot be helped. I recognise that there are political exigencies which affect us all, but our elected friends most of all. My Honourable friend opposite said that we cannot stand alone, that one who leads men is in a sense affected by the feelings of those he leads. But he is the true leader who will lead men and induce them to follow his course and not to follow theirs. Now, Sir, that is the position. The progress of events seems to have been tending in a direction which would have gone on the lines of the co-operation that has been asked for. Sir, I do not, as I have said, attach any importance to words; it is to action that I attach importance and I myself, as I said the other day, am not as disappointed, as discouraged as I might otherwise have been. It is true that the darkest hour often comes before the dawn. We are too closely placed, too closely in touch with events to weigh them in the true balance, too close to appreciate the effect of a gesture that will be read—and that is the unfortunate part of it—will be read by those who have not even the information that we have, and will be read in a very different way.

Sir, I have been charged by my Honourable friend—I will not say charged for he did not charge me—I have been reproached with the fact that we have not expressed in public the obligations which we owe undoubtedly to those who, in days of obloquy, in days of trial, in days of severe temptation, stood by and endeavoured to work the existing constitution. I acknowledge those efforts with thankfulness. I acknowledge them openly; but it is not the Government but the country who should acknowledge the efforts of those who stayed the general shipwreck of the existing constitution and when those who did that go to the country they ought to reap their reward.

**Diwan Bahadur T. Rangachariar:** Where are the fruits?



**The Honourable Sir Alexander Muddiman:** The fruits? My Honourable friend is still sitting here. I do not like giving advice. I have found in my life if a man asks you for advice and you are foolish enough to give it, he refuses to take it and dislikes you ever after. That, Sir, may seem a cynical view.

**Mr. M. A. Jinnah:** It is quite true!

**The Honourable Sir Alexander Muddiman:** But it is in time of trouble as well as in time of success that we should stand by our opinion; and I say to those who have stood by their opinion in the past "Do not be discouraged but stand by them till the end. Do not let it be said that we or you at any rate have not done all that could be done to maintain and work the existing Reforms."

Now I will assume for the moment that the Commission which has been desired by my Honourable friend came out to-morrow. What would be its function? It would be—would it not—to hold an impartial inquiry into the actual working of the Reforms and to make recommendations on that? It would be for those who contended that success had been achieved within the limits imposed by the present Act to put forward their proofs. It would be for us to show that we had left nothing undone to maintain the position. Is it not the fact that Indian opinion really desires a Royal Commission to come out not to hold an inquiry, not to examine but to register a decree which has already been formulated for a further advance to complete responsible government. Is that not a fact?

**Diwan Bahadur T. Rangachariar:** We believe it will be so.

**The Honourable Sir Alexander Muddiman:** Sir, that is clearly the demand of one party and it appears to me it was the demand of the Member of the Council of State who moved his Resolution on the 18th February.

**Mr. M. A. Jinnah:** Why then do not the Government say so and declare that therefore there is no question of accelerating the Royal Commission on that one condition, namely, if the Swarajists would co-operate?

**The Honourable Sir Alexander Muddiman:** I do not quite follow my Honourable friend but as I heard something about Swarajists co-operating I assume he was charging me with the usual parrot cry of co-operation. After all the Swarajist Members represent a large proportion of this House. We are unable to deny that. It is equally true that they have reduced the Reforms to impotency in my own province, one of the biggest provinces of India—Bengal, and that in the Central Provinces they are also not functioning. It is true, as I read in my papers the other day, that no later than the day before yesterday the grant for Ministers' salaries has again been refused in the Central Provinces. On these facts how are we going to the Government at Home and with any show of confidence to urge on them, even if we ourselves were convinced of the necessity of it, the appointment immediately of a Royal Commission? I have frequently addressed the House, till the House must be tired of hearing it, in the endeavour to inculcate the point that the test of life, political and otherwise, is results, that "by their works shall ye know



them." It is by works and not by words, "not only on our lips, but in our lives," that we have got to show co-operation? As my Honourable friend Sir Hari Singh Gour said, what are æons in the life of a nation? That, Sir, sounded even to my bureaucratic mind rather a long period, but when he defined an æon as anything between three years and three months, I thought that in this connection he takes a short view of æons. I must express my indebtedness to Sir Hari Singh Gour . . . . .

**Sir Hari Singh Gour:** Sir, I am afraid the Honourable Member must have misunderstood me. I never said anything of the kind. What I said was what is three years in the life of a nation as compared to æons through which life passes.

**The Honourable Sir Alexander Muddiman:** Sir, I unhesitatingly accept my Honourable friend's statement. I was about to thank him for the valuable arguments he has supplied on my behalf.

Now, Sir, there are one or two outstanding points with which, with your permission, I should like to deal. It was suggested that in Bengal and in the Central Provinces the Constitution could have been maintained if more tact and discretion had been shown. Sir, I doubt that very much, but even if it was so, what does it prove?

**Mr. M. A. Jinnah:** What would happen to the Assembly if the elected Members in a body were to throw out everything that came before them? The Legislature could not go on.

**The Honourable Sir Alexander Muddiman:** I should be sorry to contemplate that event, but that brings me to another point, and it is this. My Honourable friend in his speech referred to three classes of Members, the elected Members, the nominated Members, and the official Members. Let me make it perfectly plain . . . . .

**Mr. M. A. Jinnah:** And the elected European Members.

**The Honourable Sir Alexander Muddiman:** That is a cross division. But let me point out to him very frankly and plainly that he and I sit in this House under the same identical authority. The authority of Parliament which makes me a Member of the Governor General's Council and a Member of this House is the same authority that makes my Honourable friend Mr. Jinnah an elected Member of this House, and it is only by that authority that the abolition of myself will be secured and that the replacement of me by an elected Member can take place . . . . .

**Sir Hari Singh Gour:** It is the authority of the Statute that makes a Judge and it is the authority of the Statute that makes a criminal.

**The Honourable Sir Alexander Muddiman:** My Honourable friend has more experience in the matter than I have. (Laughter.) Now, Sir, I do not wish to wind up on an unsympathetic note. On the other hand, I have not the least desire to win a cheap vote from the House by anything that might be brought against me in any way as overstating the case. The position, as I see it, is this. The door is still open. The last word has not been spoken. It is still open to you, it is still open to India, to secure that advancement of the date of the Royal Commission which you so ardently desire by compliance with the condition which has been previously laid down.

**Mr. M. A. Jinnah:** It is an impossible condition.

**The Honourable Sir Alexander Muddiman:** Sir, the position of the Home Member to-day is like that of a watchman on a tower looking out at the night and the King sends him messengers who ask him: "Watchman, what of the night?" and the answer I have often to give is: "The night is very black." Sir, how long am I to continue to give that answer? When will the people of India enable me to say: "*Kirin utha.*" "The dawn is breaking."

**Mr. Bipin Chandra Pal** (Calcutta: Non-Muhammadan Urban): I desire, Sir, to associate myself with all my mind and my strength with the motion that has been placed before this widowed House. (Laughter.) Yes, widowed House—I am referring to Parliamentary language. I remember the Leader of the Government, I think it was Mr. Balfour then, now Lord Balfour, when there was no Leader of the Opposition before him, in the House of Commons, declared that he found himself in a widowed position, and I feel sincerely that owing to the absence of the Swarajists, my friend opposite, the Home Member, must be feeling like Lord Balfour.

**Mr. K. Ahmed:** He is a bachelor.

**Mr. Bipin Chandra Pal:** I certainly object, Sir, to these interjections in regard to remarks which ought to wring the heart of every Member of this House. We regret, and I believe the Home Member and the Official Benches also regret it as much as we do, the absence of our Swarajist friends. We on these Benches regret it because their absence has made it impossible for us to carry votes which we might have carried without any effort. This day we have moved for the rejection of the grant under the head of "Executive Council". We would have had no trouble, my friend Mr. Jinnah would not have to go down on his knees almost to my friend Sir Darcy Lindsay begging for his votes. We could have carried the motion easily. There are two groups in this House constituting His Majesty's Opposition, the Official Opposition, the Swarajists and the Independents. The Swarajists were a much stronger group. Because of the absence of that stronger group the Opposition has become feeble and I cannot but put it to you, Sir, and to the Members of this House, whether Parliamentary Government can be legitimately and salutarily carried on with an Opposition that is so weak as the Opposition is to-day in this House.

**Lieutenant-Colonel H. A. J. Gidney** (Nominated: Anglo-Indians): Come over to this side.

**Mr. Bipin Chandra Pal:** We regret their absence. . . .

**Sir Darcy Lindsay:** Let them come back.

**Mr. Bipin Chandra Pal:** We certainly regret the unwisdom of that absence. And I cannot help raising my protest personally, and I take it the protest of the whole House, to a certain remark that the Leader of the Swaraj Party made in defence or in explanation of the policy which he was pursuing. He came and told this House that he and his following were going out because of the mandate of the Congress. Now, this House ought to raise a strong protest, a constitutional protest, against that statement. The Congress is not a legislative constituency. The Congress is a voluntary organisation. However honoured by the people it may be, it is not a legislative constituency and no Member of this House has a right to

come here without a mandate from his constituency and be driven here and there and everywhere according to the wishes of an outside, voluntary organisation.

Having said that much with regard to the Swarajists, I want to support, as I said, with all my strength the motion of my Honourable friend, Mr. Jinnah. We know that you will certify, though if the case is considered upon its own merits I do not see that there is any reasonable ground for certification of this grant if we are able to throw it out. I say, there is no reasonable justification for certification. The reduction of this grant does not affect the primary functions of Government. It does not affect the responsibilities of the Governor General for carrying on the King's Government. It will only affect the Simla exodus and I think European opinion at least in Calcutta has for the last half a century been strongly opposed to these hill exoduses. For that reason, if on no other ground, I was expecting the representatives of European opinion in Bengal to support this motion, because that was also a side issue, namely a protest against the waste of money, against the waste of public time, against interference with public business, against isolation of the rulers of the country from the healthy atmosphere of public opinion in the plains, involved in the Simla exodus. While the Honourable Sir Darcy Lindsay and others can live and work during the whole year in the plains, you have told us often and often that you see no reason why Government should go up to the hills and enjoy the salutary climate. . . . .

**The Honourable Sir Basil Blackett:** On a matter of explanation. I should like to make it clear, as the Honourable Member does not seem to realise it, that only a very small portion of this expenditure is represented by the Simla exodus and that the greater part of it is for the tour expenses of going down to Calcutta, Bombay and that sort of thing.

**Mr. M. A. Jinnah:** In reserved saloons.

**An Honourable Member:** Why not?

**Mr. Bipin Chandra Pal:** You may travel first class if you like and draw 1 3/5ths as the Honourable Members of this House draw. . . . .

**The Honourable Sir Basil Blackett:** How are they going to pay for it?

**Mr. M. A. Jinnah:** You get a very good salary if you want to go.

**Mr. Bipin Chandra Pal:** I do not think if I were, I am not fortunately, in the position of my Honourable friend opposite I would have said that if my travelling allowance was cut down the Government would stop, the carrying on of the King's Government would become impossible. There is no practical difficulty. We have not moved a motion for the reduction of any grant the acceptance of which motion would render administration impossible. That is one point. Our great complaint is that you have not paid heed to public opinion in this matter. We do not want much. We do not want you to give us the moon. We only want an examination with a view to the necessary amendment of the present Government of India Act. It has been completely made out that this Act, for certain purposes necessary for the advancement of the country, is unworkable. That has been made out completely by the Muddiman Report. And what we want is an examination. That is, I understand, the plea of my Honourable friend and leader, Mr. Jinnah. We want an examination

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only. No further. If after an examination you declare that the country is not ripe, that the circumstances are not favourable to a further advance, we shall have to accept that decision with whatever good grace we can. All that we want is an examination by a Statutory Commission or a Royal Commission under the terms of the Government of India Act. That is all that we want. Why do you oppose it. You say "Oh, we oppose it in your own interests". Well, well, we have a Bengali proverb and the Honourable the Leader of the House having been so long in Bengal might well have remembered it or heard it. The proverb translated into English means that the crocodile cries out of pity for the fish. You say "Oh, it will hurt you". How will it hurt us? If the country is really not fit for another advance, if the result of a fresh constitutional advance is likely to be anarchy, disorder, then the country will not be hurt by the refusal of an advance. But our contention is that the country will be hurt by your refusing this demand for an examination. How will it be hurt? You say that in Bengal the Reforms have failed. You say that in the Central Provinces the Reforms have failed. But you do not remember that in Madras, on your own confession or acknowledgment, the Reforms have succeeded wonderfully. What is the reason? The reason is Lord Willingdon. He entered fully into the spirit of the Act. And the thing which we demanded in Bengal, namely, joint responsibility, corporate responsibility of the Ministers, that was granted by Lord Willingdon in Madras but was refused in Bengal. In Madras they have three Ministers but the three Ministers form one Ministry, the Head Minister or Chief Minister nominating his own colleagues, with joint responsibility to the Governor and the Council for the administration of the transferred departments. Now, Sir, Mr. Chakravarti, the leader of the Party to which I have the honour to belong in Bengal, the Nationalist Party, when he was invited by Lord Lytton, offered the same terms. He asked for this concession, namely, this recognition of the joint responsibility of the Ministry and he wanted the Governor to allow him to nominate his colleagues. The Governor would not do so and the result was the refusal of Mr. Chakravarti to shoulder the responsibility for the administration of the transferred departments. And after that what did the Governor of Bengal do? I do not like to say one unkind word about him, because Lord Lytton personally is a perfect gentleman. He is an ideal *padre*, an ideal member of the Church, an ideal Christian; but unfortunately he has bungled, as Mr. Jinnah has said, in working the Reforms in Bengal.

**The Honourable Sir Basil Blackett:** On a point of order. Is the Honourable Member entitled to cast reflections on the Governor of a Province? (*Some Honourable Members:* "He is paying him a compliment.")

**Mr. President:** The Honourable Member should not go far into that question. He has made a reference to it, and anything which might reflect on the conduct of the Governor or the Viceroy is not permissible.

**Mr. Bipin Chandra Pal:** I am not referring to his conduct. I do not think it is not a certificate or commendation to call a Governor a *padre*, a member of the Church of Christ. Now, Sir, that is the actual fact. If he had allowed the conditions that succeeded in Madras, if you had allowed the same conditions in Bengal, I have not the least doubt that the Reforms

would have succeeded in Bengal as well. (*Mr. J. T. Donovan*: "Question?") If I were to go into details, it would not be palatable to my friend from Ireland and Bengal. It would not be palatable, because they tried to divide us; they tried to secure one part of the House to support the Government against another part. But the other part, being the stronger part, the tactics of Government failed. That is the real truth about Bengal. But I will not enter into that. What I want to know is why do you refuse a Royal Commission? I have always felt, Sir, that our masters are lacking in one essential quality of real statesmanship; they lack imagination. I have always felt that if this Royal Commission had been announced a year ago it would have taken the wind out of the sails of those who want to wreck the Reforms. But you are in collusion, not consciously but unconsciously, with those who want to wreck the Reforms; and you are acting as if you want the Reforms to be wrecked. That is the whole truth. Now, Sir, with regard to these constitutional advances I may at once say that in politics I do not believe in generosity. In politics I do not believe in alms. I do not believe in eleemosynary politics. Politics is always a game of force, and if the people could gather sufficient force, as they did from time to time in the past, it would not have been possible for my Honourable friend the Home Member to sit there and smile and say: "All right; go on. Non-co-operate or co-operate; we don't mind; we shall keep to our places as long as we are not forced out." He could not have said that. Now, what is the history of political progress in India for the last 50 years? After the Mutiny we had the first Legislative Council in 1861. Did you consider then, whether the country was fit or unfit for that measure of Council Government? It was not much, but it was something. And you gave that something because you were anxious to conciliate public opinion, because you thought that unless public opinion was conciliated it would hurt your interests. After 1861 we had another instalment of reforms in 1891, and that followed the Congress agitation. There was the fear of the unknown behind the Congress agitation of the earlier years. You did not know what might be the upshot of that agitation. I still remember the newspaper controversy that raged over the activities of the Congress in Madras in 1887 between Mr. Hume and Sir Auckland Colvin; and the result of that controversy was that Lord Dufferin gave us a parting kick. He abused the Congress, he ridiculed the Congress in his St. Andrew's dinner speech in 1888; but he left a secret Minute recommending practically the fundamental demands of the Congress, and it was that Minute which secured us the next advance in Lord Cross's Indian Councils Act. Now that was not a gift, a generous gift. It was forced from you by pressure of circumstances that faced you then. The fear, the fear of the unknown, the fear of public opinion—that was what forced that Act from you. Then we come to the Minto-Morley Act. What was that due to? That was due to the fear of the possibilities of the Bengal unrest. That was the direct psychological factor—that unrest which forced the Minto-Morley Reforms. We had it from Lord Morley. Speaking to a deputation that waited upon him in England when I was there—speaking to that deputation of Indian representatives Lord Morley said, "I will give you concessions. Left-handed concessions and right-handed repressions will be my policy in regard to India." And we had that. Then after that we had this Act. What was it due to? It was due to circumstances; it was due to the pressure of Indian conditions; it was due, Sir, to "the gravity of the Indian situation,"

[Mr. Bipin Chandra Pal.]

to quote Lord Islington, the gravity of the Indian situation during the war. And I have no doubt, Sir, that the announcement of 1917 was made during the war, absolutely to allay this gravity. If the war had continued, if there had not been the dramatic ending of the war in 1919, if the North-West menace to which Lord Chelmsford referred in his speech at the War Conference, had materialised, I have no doubt, Sir, that we would have got a much larger and a much more liberal measure of reform than what we have got in the present Government of India Act. These are the facts, and I appeal, on the basis of these facts, to you to take a long view. My friends, the Swarajists, have gone out. I do not know—I am not in their councils—what they are going to do. I do not know whether they will come back, or whether they will try, as they say, to appeal to the country. I do not understand what their appeal to the country will be, unless it be mass civil disobedience or some such thing. The policy with which they came to this House has failed on their own confession. Pandit Motilal said, “We have failed”, and he cannot, by any stroke of magic, convert his failure of 1924—1926 into his success in 1927. The only logical position for the Swarajists will be to return to the non-co-operation camp. That is the meaning, the psychology, the logic of their walking out: and if they should, Sir, follow up this logic, and go back to the non-co-operation camp again, blessed by the holy hand of Mr. Gandhi, you may find yourselves in the same position in which you found yourselves in 1920-21—a position which compelled Lord Reading to think of giving us a round table conference in the winter of 1921. Now, Sir, that is the situation before you; and if you want to avoid trouble—I say it not as a threat, but I say it as a friendly warning—we do not want any trouble, we do not want any revival of the non-co-operation unrest in the country again. We do not want that. We want ordered, peaceful progress to our ideal of Dominion status or democratic responsible government. We want ordered progress. But if you will not have it, it will be on your head—the responsibility for whatever unrest you may have to face will be on your head. You may say: “Oh, we do not mind, we have our machine guns. Remember Jalianwalla Bagh, remember Lahore”. But that will not do. These things pay only once, and not twice. And you did not try in Bengal what you tried in Jalianwalla Bagh. One word more, Sir. You talk of co-operation. But what kind of co-operation do you want? You want the co-operation of the slave with his master—not the co-operation of comrades. You want to decide your policy, and you want us to work out that policy. You want to be the brain, and you want us only to be your hand. That kind of co-operation, no honourable man, no honest man, no self-respecting nation, can ever give to any Government. Consult us; take us into your confidence; and then upon the prosecution of any policy that may be decided upon by consultation between you and us, you will have our loyal co-operation to the fullest measure. But this is not the kind of co-operation that you want. And once more—you want co-operation but from whom? My friend, Mr. Jinnah, has already said, ‘You want co-operation, only from the Swarajists who will not co-operate with you, but you will not look at others. Your eye is fixed on the attractive Swarajist faces. You are looking at them. You will not look at others who are ready, honestly and honourably, to co-operate with you, who have been giving you

co-operation all these years. But you say, they are the strongest party—the Swarajists. Certainly they are the strongest party in the House. They are apparently the strongest party outside also. But you are not worth your responsibility if you do not note the trend of public opinion in the country. Do you not recognise that the Swarajists are losing their hold on the country? Do you not recognise that there is a large body of vocal and more largely a body of unvocal opinion in the country which is silently raising its protest against the unreason and impolicy of the Swarajist obstruction? Do you not know that there is an increasing body of public opinion among the articulate section of the community which is raising a silent protest against the Swarajist policy of obstruction. That policy has failed and if you do not know, I will, with your permission, try to enlighten your ignorance by quoting, not an Indian paper, but a European organ :

“Bengal has been able to study the Swarajist influence in its strength. It can now see it writhing under a sense of impotence. There is no longer a C. R. Das in command; his capacity and wisdom are not found in the successor whom Mr. Gandhi selected. The Swarajist leader has been discomfited in the Council Chamber and in the streets.

The same story may be illustrated from other quarters. The Swarajists have not the following they had in the exciting days two years ago, when they swept out of their seats well tried men who had done good service to the public. . . . The country no longer believes in them. A study of what goes on in local politics is informative; there is a growing resentment at Swarajist attempts to secure control. Barisal is a case in point.”

and so on and so forth. It is from an editorial in the *Statesman*. It adds :

“In Barisal when the votes were counted at the latest municipal election, only three Swarajists were elected out of a total number of 10 commissioners, and one candidate, who had the prestige of thirty years of good work as a commissioner behind him, but now chose to fight under the Swarajist banner, was decisively rejected.”

Now, that is a straw, but a straw that shows which way the wind is blowing and in view of it are you going to help the Swarajists by refusing this demand of ours, because if you do, the Swarajists will be justified; they will cry out from the housetop :

“No co-operation is possible with people who refuse even such reasonable, such moderate demands as were put forward by the Independents.”

And then perhaps if there is another non-co-operation upheaval, then perhaps with the fear of the unknown before you, you will climb down. But it will be too late, too late; and too late is a word that damns statesmanship and politics in every part of the world.

The Assembly then adjourned till Eleven of the Clock on Friday, the 12th March, 1926.





# LEGISLATIVE ASSEMBLY.

Friday, 12th March, 1926.

The Assembly met in the Assembly Chamber at Eleven of the Clock, Mr. President in the Chair.

## QUESTIONS AND ANSWERS.

### HUMILIATING TREATMENT BY THE POLICE IN PONDICHERRY OF VISITORS TO SRIJUT AURABINDO GHOSH.

1188. **\*Mr. Gaya Prasad Singh:** (a) Has the attention of the Government been drawn to a communication published in the *Forward*, dated the 21st February, 1926, in which it is stated on the authority of a Member of the Madras Legislative Council that visitors to Srijut Aurabindo Ghosh in Pondicherry are subjected to humiliating treatment by the Police?

(b) Is it a fact that everyone who happens to enter the compound of Srijut Aurabindo Ghosh's bungalow has to affix the "impressions of all the fingers and of both the palms," and has also to give the names of his father, mother, and even his wife to the Police authorities?

(c) Do Government propose to make inquiry into this matter, and make suitable representation to the proper authorities with a view to stop such treatment?

**The Honourable Sir Alexander Muddiman:** (a) I have seen the communication referred to.

(b) I have no information.

(c) No.

1189.—1200.

**Maulvi Muhammad Yakub:** Sir, questions Nos. 1189 to 1200 have already been answered in the replies to similar questions asked by me on behalf of Haji Wajihuddin yesterday, and, therefore, I do not want to put these questions.

### TRANSFER OF THE OFFICE OF THE ACCOUNTANT GENERAL, UNITED PROVINCES, FROM ALLAHABAD TO LUCKNOW.

1201. **\*Mr. Amar Nath Dutt:** Is it a fact that a portion of the Accountant General's office is proposed to be transferred from Allahabad to Lucknow? If so, will the Government be pleased to state:

(a) The reasons for such transfer?

(b) The place and building in which the same is proposed to be located?

**The Honourable Sir Basil Blackett:** The attention of the Honourable Member is invited to the reply given to question No. 837 on the 15th February, 1926.

(a) The removal is due to an experiment connected with the inquiry into the separation of accounts from audit

(b) The various sections into which the office will be divided will be located in the closest possible proximity to the departments which they will serve as pay and accounts offices.

TRANSFER OF THE OFFICE OF THE ACCOUNTANT GENERAL, UNITED PROVINCES, FROM ALLAHABAD TO LUCKNOW.

1202. **\*Mr. Amar Nath Dutt:** Is there any prospect of removing the rest of the Accountant General's office from Allahabad to Lucknow? If so, will the Government be pleased to state:

(a) What are the reasons for such transfer?

(b) What new buildings are proposed to be constructed or will have to be constructed for location of the offices and the probable cost of the same?

**The Honourable Sir Basil Blackett:** The reply is in the negative, (a) and (b), do not arise.

SCALES OF PAY FOR THE STAFF OF THE OFFICE OF THE DIRECTOR GENERAL, POSTS AND TELEGRAPHS.

1203. **\*Mr. Amar Nath Dutt:** (a) Is it a fact:

(i) that the Booth Committee recommended in 1920 certain scales of pay for the staff of the office of the Director General, Posts and Telegraphs, with reference to local conditions in Calcutta and not in view of the ultimate transfer of that office to Delhi?

(ii) that the Government, according to the P. W. D. Memorandum to the Standing Finance Committee, modified those scales of pay, in spite of the protest of the then Director General?

(b) If the answers to the above are in the affirmative, will the Government be pleased to state what is meant by the statement that the locality of the office had nothing to do with the question in part (b) of the question No. 844, answered in the Assembly on the 15th February last?

**The Honourable Sir Bhupendra Nath Mitra:** (a) The recommendations of the Booth Committee made no mention of local conditions in Calcutta nor of the probability of the ultimate transfer of the office to Delhi although the Committee was no doubt aware of the latter fact.

(b) The time scales of pay sanctioned by Government departed from those recommended by the Committee in respect of some of the grades only. There was no protest on the subject from the Director General.

(c) The location of the office has nothing to do with the question of its status. Even had the office of the Director General, Posts and Telegraphs, been located in Delhi, it would not have been accorded treatment in the matter of revision of pay on the analogy of attached offices of the Government of India.

SCALES OF PAY FOR THE STAFF OF THE OFFICE OF THE DIRECTOR  
GENERAL, POSTS AND TELEGRAPHS.

1204. **\*Mr. Amar Nath Dutt:** (a) In view of the answer in (a) to the question No. 844 on the 15th February, in the Assembly that the staff of the D. G.'s office are not paid on All-India scales of pay do the Government propose to treat differently those of the staff who were recruited before 1912 in the Director General's office when they are transferred to Delhi?

(b) Will the Government please state what they mean by the statement "They were recruited to serve in the Director General's office and not in Calcutta" in the second part of the answer to starred question No. 847 on the 15th February, 1926, in the Assembly?

(c) Is it a fact that the Director General's office is still located in Calcutta?

**The Honourable Sir Bhupendra Nath Mitra:** (a) No. The reference is presumably to question 847 not to question 844.

(b) The meaning seems perfectly clear. There was no guarantee given or implied at the time of recruitment that the headquarters of the office would not be changed.

(c) Yes.

SCALES OF PAY FOR THE STAFF OF THE OFFICE OF THE DIRECTOR  
GENERAL, POSTS AND TELEGRAPHS.

1205. **\*Mr. Amar Nath Dutt:** (a) Is it a fact that in the office order dated the 24th April, 1923, of the Director General, Posts and Telegraphs, the Director General's office was announced as one of the attached offices of the Industries and Labour Department Secretariat?

(b) If so, why have the staff of that office not as yet been granted and why should they not be granted the attached offices scales of pay?

**The Honourable Sir Bhupendra Nath Mitra:** (a) Yes. The office order cannot however be interpreted as a formal announcement of the Government of India. It was issued by the Director General, Posts and Telegraphs, and the words "attached office" occurring therein are used in a loose sense as indicating an office working with the Honourable Member in charge without the intervention of a secretariat staff.

(b) In view of the answer to part (a) this question does not arise. The Director General's office as a whole cannot be treated as an attached office of the Government of India in regard to scales of pay for reasons which I gave on a previous occasion.

SCALES OF PAY FOR THE STAFF OF THE OFFICE OF THE DIRECTOR  
GENERAL, POSTS AND TELEGRAPHS.

1206. **\*Mr. Amar Nath Dutt:** (a) Is it a fact, as it is understood from the answer to starred question No. 848 on the 15th February, 1926, in the Assembly, that the staff of the office of the Director General, Posts and Telegraphs, will draw less pay in Delhi than what they are drawing in Calcutta?

(b) If so, do the Government propose to consider their grievances?

**The Honourable Sir Bhupendra Nath Mitra:** (a) It is not a fact that the staff will draw less pay in Delhi. The reply given to part I (a) of the Honourable Member's question No. 848 on the 15th February, 1926, related to the payment of charges for occupying Government quarters at Delhi and the repayment of advances.

(b) Does not arise.

PERMANENT LOCATION OF THE GOVERNMENT OF INDIA OFFICES IN DELHI.

1207. **\*Mr. Amar Nath Dutt:** (a) Will the Government be pleased to state which of the offices among both the Imperial Secretariats and their attached offices will be permanently located in Delhi when the Raisina Secretariat buildings are completed and occupied?

(b) Will there be any more necessity of the move of the offices between Delhi and Simla as at present, when the Raisina Secretariat buildings are permanently occupied by the Government of India, except taking a certain limited number of camp clerks only with the Members, Secretaries and certain other heads of Departments to Simla?

**The Honourable Sir Alexander Muddiman:** (a) and (b). Government have not arrived at any decisions on the subject.

GRIEVANCES OF THE LOWER DIVISION CLERKS OF THE OFFICE OF THE ACCOUNTANT GENERAL, POSTS AND TELEGRAPHS.

1208. **\*Mr. Amar Nath Dutt:** Has the attention of the Government been drawn to the article under the heading "Lower division under A. G. P. T." that appeared in the *Servant*, dated Calcutta, the 5th February, 1926? If so, what steps do they intend to take to remove the anomalies specified therein and ameliorate the conditions of the sufferers referred to in it?

COMPULSORY ATTENDANCE OF THE ASSISTANTS OF THE SAVINGS BANK DEPARTMENT OF THE OFFICE OF THE DEPUTY ACCOUNTANT GENERAL, POSTAL BRANCH, CALCUTTA, DURING THE CHRISTMAS HOLIDAYS.

1209. **\*Mr. Amar Nath Dutt:** Is it a fact that Mr. Joy Gopal Bhandari, Deputy Accountant General, Postal Branch, Calcutta, forced his assistants of the Savings Bank Department to attend office even during the Christmas holidays against their will? If so, why? Do Government propose to call for an explanation from him?

CASE OF MR. GANESH CHANDRA MITTRA OF THE OFFICE OF THE DEPUTY ACCOUNTANT GENERAL, TELEGRAPH BRANCH, CALCUTTA.

1210. **\*Mr. Amar Nath Dutt:** Is it a fact that the pensionable services of one Mr. Ganesh Chandra Mittra of the office of the Deputy Accountant General, Telegraph Branch, Calcutta, have been dispensed with by the Accountant General, Posts and Telegraphs, without allowing any pension to him? If so, why?

**ALLEGED ILL-TREATMENT OF THE CLERKS OF THE SAVINGS BANK  
DEPARTMENT UNDER THE DEPUTY ACCOUNTANT GENERAL,  
POSTS AND TELEGRAPHS, CALCUTTA, BY MR. B. R.  
RANGOSWAMI.**

1211. **\*Mr. Amar Nath Dutt:** Did the Government of India receive a telegraphic representation some time in December 1925, from the clerks of the Savings Bank Department, under the Deputy Accountant General, Posts and Telegraphs, Calcutta, against one Mr. B. R. Rangoswami's ill-treatment of them? If so, what steps have they taken in the matter?

**PAY OF SOME LOWER DIVISION CLERKS IN THE TELEGRAPH CHECK  
OFFICE, CALCUTTA.**

1212. **\*Mr. Amar Nath Dutt:** Is it a fact that some lower division men in the Telegraph Check Office, Calcutta (under the Accountant General, Posts and Telegraphs), who passed the Departmental examination long ago for promotion to the upper division have not yet been paid at the upper division rate? If so, (a) who is responsible for this? (b) Do Government propose to remove their grievances early? (c) If not, why not?

**GRIEVANCES OF THE LOWER DIVISION CLERKS IN THE OFFICE OF THE  
ACCOUNTANT GENERAL, POSTS AND TELEGRAPHS.**

1213. **\*Mr. Amar Nath Dutt:** (a) Has the attention of the Government been drawn to a series of articles regarding Accountant General Posts and Telegraphs lower division clerks' grievances, that appeared in the *Forward*, dated Calcutta, the 30th September, 1924, 23rd November, 1924, 1st January, 1925, 1st November, 1925, and 25th November, 1925, *Bengalee*, dated 1st October, 1924, 22nd November, 1924 and 24th December, 1924, *Amrita Bazar Patrika*, dated Calcutta 26th November, 1924, and 25th December, 1924, and *Servant*, dated Calcutta, 25th December, 1924? If so, what steps have the Government taken up to date to ameliorate the hardships of the Accountant General Posts and Telegraphs lower division clerks?

(b) Do they intend to adopt one uniform scale, viz., 60—8—140—6—230 with efficiency bars at Rs. 124 and Rs. 170 for Calcutta, and if not, why not?

**The Honourable Sir Basil Blackett:** I propose to answer questions Nos. 1208—1213 and 1215, together.

I would refer the Honourable Member to the replies given by me on the 7th and 14th September, 1925, and 19th February, 1926, to similar questions put by him.

**ALLEGED LOSS OF LIVES IN AN ACCIDENT ON THE AHMADPUR-KATWA  
RAILWAY.**

1214. **\*Mr. Amar Nath Dutt:** Are the Government aware that some 25 men recently lost their lives by an accident in a train on the Ahmadpur-Katwa Railway? Was it due to the non-supply of lights in the carriages by the Railway Administration?

If the reply be in the affirmative do Government propose to take proper action in the matter? If not, why not?

If the reply be in the negative, do Government propose to inquire into the matter and inform the House of the result? If not, why not?

**The Honourable Sir Charles Innes:** Sir, I wish to answer question 1214 as I want to contradict the statement made in it.

The statement made by the Honourable Member is entirely incorrect. Government have made inquiry and have ascertained that no persons were killed or injured in any recent accident on the Ahmadpur-Katwa Railway.

REFUSAL OF INCREMENTS TO THE ASSISTANTS IN THE SAVINGS BANK  
DEPARTMENT UNDER THE DEPUTY ACCOUNTANT GENERAL,  
POSTAL BRANCH, CALCUTTA.

†1215. **\*Mr. Amar Nath Dutt:** Is it a fact that Mr. Joy Gopal Bhandari, M.A., Deputy Accountant General, Postal Branch, Calcutta, has not granted annual increments to his assistants in the Savings Bank Department and has expressed his unwillingness to do so till June, 1926, though due, earlier, in contravention of rule 24 of the Fundamental Rules? If so, will the Government be pleased to state the reasons of his doing so?

REDUCTION OF PASSENGER FARES ON COMPANY-OWNED OR COMPANY-MANAGED RAILWAYS.

1216. **\*Mr. Gaya Prasad Singh:** (a) Will the Government kindly state if any of the Company-owned, or Company-managed Railways in India have reduced, or propose to reduce, their passenger rates?

(b) If so, what Railways have reduced, or propose to reduce, the fares; and what class fares?

**The Honourable Sir Charles Innes:** The Honourable Member is referred to the Proceedings of the meeting of the Standing Finance Committee for Railways held on the 20th January, 1926, and to the speeches on this subject during the discussion of the Railway Budget.

THE WOMEN'S MEDICAL SERVICE.

1217. **\*Mr. C. Duraiswami Aiyangar:** Will the Government be pleased to state:

(a) What are the number of appointments in the Women's Medical Service?

(b) How many of them are held by Indians?

(c) Does the number of Indians include Europeans domiciled in India and Anglo-Indians? If so, what is their number?

**Mr. J. W. Bhore:** The attention of the Honourable Member is invited to the report for 1924, of the Countess of Dufferin's Fund (including the Women's Medical Service), which gives all the information which Government possess. I would point out that the Women's Medical Service is not under the control of Government.

EMPLOYMENT OF SINDHIS ON THE NORTH-WESTERN RAILWAY.

1218. **\*Khan Bahadur W. M. Hussanally:** (a) Has the attention of the Government been called to a letter appearing in the *Sind Observer* on the subject of the North-Western Railway having resolved that in future no one except those who have passed the school leaving certificate examination shall be employed as signallers and clerks?

†For answer to this question, see answer below question No. 1213.

(b) Is it a fact that the above Railway have so resolved? If so what are the reasons for the resolution?

(c) Is it a fact that the Province of Sind is educationally backward compared with the Punjab, and that the Mussalmans of Sind are more backward than the Hindus of that Province? If so, are Government aware that the above resolution will have the effect of excluding Sindhis more particularly Mussalmans from railway service?

(d) If so, what steps are proposed to be taken by the Railway Administration to see that the service is not rendered a monopoly for one Province or one community?

(e) Is it a fact that now a very large proportion of Punjabis are serving in the Sind section of the North-Western Railway? Do the Railway propose to employ more Sindhis on the Railway than hitherto taking up a fair proportion of Muhammadans as well?

**The Honourable Sir Charles Innes:** As regards parts (a), (b) and (c) of this question, the Honourable Member is referred to the answers given to questions Nos. 1074 and 1077, on the 8th March, last. I can see no reason why the principle of a low educational qualification should stand in the way of Sindhis obtaining employment on the North-Western Railway and if the pay of signallers and clerks is as low as the Honourable Member suggests it is obvious that local men have a much better chance than Punjabis of taking such posts in Sindh.

As regards parts (d) and (e), the Agent, North-Western Railway, is aware of the policy of Government in this matter and Government have no reason to suppose that Sindhis are not afforded equal opportunities with other communities in entering railway service.

#### CONTRACTS FOR THE SUPPLY OF ICE AND AERATED WATERS ON THE NORTH-WESTERN RAILWAY.

1219. **\*Khan Bahadur W. M. Hussanally:** (a) Into how many sections is the North-Western Railway divided for the purposes of ice and aerated waters contract?

(b) What is the length of each section?

(c) Are there any rules for the giving out of these contracts? If so will the Government please place the same on the table?

(d) What is the investment each contractor has to make? Is it necessary that the contractor should possess a factory of his own? If so, what steps do the Railway take to see that the contractor uses waters of his own factory and no other?

(e) Is there any truth in the complaint that these contractors use waters from the bazars, and that many or some of them at all events do so not having any factory of their own?

(f) Are tenders called for for these contracts? If not, how are these contracts given out?

(g) Do these contractors pay any royalty. If not why not?

(h) Are Government aware that these contractors make almost cent. per cent. profit or even more? If they are not aware of this, do they propose to make an inquiry into the matter and place the result before the House?

(i) Will the Government please state the names of the contractors for the last ten years?

(j) Is it a fact that one contractor lives in England and comes to India when these contracts are given out, takes up one sub-lets the same, pockets a huge profit and goes back home? If the Government have no information, do they propose to hold an inquiry and place the result before the House?

(k) Is it a fact that the profits that each of these contractors make amount to anything like half a lakh? If not what is the average amount? If the Government have no information upon the point do they propose to hold an inquiry and place the result before the House?

(l) What are the objections to dividing the line into smaller sections and giving out the contract to smaller men and reducing the rates for the benefit of the travelling public?

(m) Are Government aware that the ordinary rate of aerated waters from the best factories is about 9 to 10 annas a dozen while these are sold on the Railway for about 15 annas or more?

(n) Are Government prepared to advise the railway administration to introduce more competition into these contracts in the future for the benefit of the travelling public?

(o) Who gives out these contracts? Are the Local Advisory Committees consulted before giving out these contracts? If not why not? Do Government propose to consult them in future?

**The Honourable Sir Charles Innes:** From the minutes of the meetings of the North-Western Railway Advisory Committee the Government observe that the general question of policy raised by the Honourable Member has been discussed with reference to the sale of fruits, sweets and the like, and that in respect of these articles the Agent explained that the railway policy was as a general rule to employ the small vendors rather than the large contractors. There are obvious differences of course between the sale of fruits, sweets, and the like and the sale of mineral waters and ice. But a copy of the Honourable Member's question will be sent to the Agent in order that his attention may be drawn to the subject.

**Khan Bahadur W. M. Hussanally:** May I ask, Sir, if there is any objection to giving all the details that I have asked for?

**The Honourable Sir Charles Innes:** I prefer, Sir, to take up the general question of the policy raised by the Honourable Member.

#### INADEQUATE NUMBER OF MUHAMMADAN TEACHERS IN THE GOVERNMENT HIGH SCHOOL, DELHI, AND IN THE NEW CANTONMENT GOVERNMENT MIDDLE SCHOOL, DELHI PROVINCE.

1220. **\*Maulvi Muhammad Yakub:** (a) Has the attention of Government been drawn to a series of articles published in the *Al Muballigh* of Delhi in its issues dated 9th December 1925, 13th December 1925, 28th December 1925, 1st January 1926, and subsequent issues?

(b) Is it a fact that out of a total sum of Rs. 2,790, representing salaries paid to the staff of the Government High School, Delhi, Rs. 2,890 represent payment to the Hindu staff, and Rs. 400 only to Muhammadan staff? If the figures are incorrect will Government kindly give accurate figures and give reasons why Muhammadans receive such a meagre share in the only Government High School of the Province?



(c) Is it a fact that no Muhammadan has ever been appointed as Headmaster of the Government High School, and with the exception of one there has never been any senior Muhammadan teacher in the school?

(d) Is it a fact that the Headmaster of this School (who is also Assistant Superintendent of Education) holds prejudicial views towards Muhammadans and replaced the Muhammadan clerk, i.e., Mohammed Shareef, by a clerk of his own caste, i.e., Lala Kishori Lal in 1925?

(e) Is it a fact that with the exception of a Persian teacher and drill master all the teachers in the New Cantonment Government Middle School, Delhi Province, are Hindus? Will Government kindly state reasons why this is so?

**Mr. J. W. Bhore:** (a) Yes.

(b), (c) and (d). All appointments, transfers, etc., in the staff of the Government High School, Delhi, are made by the Ministry of Education, Punjab.

(e) Yes. No qualified Muhammadan teachers were available on the pay offered.

**Maulvi Muhammad Yakub:** Will the Honourable Member be prepared to take them, if I supply him with more than a dozen qualified teachers within a week from to-day?

**Mr. J. W. Bhore:** I would suggest, Sir, that the Honourable Member should supply information about them to the Chief Commissioner, Delhi.

#### RECURRING AND NON-RECURRING GRANTS PAID TO AIDED SCHOOLS IN THE DELHI PROVINCE.

1221. **\*Maulvi Muhammad Yakub:** Will Government kindly lay on the table a statement showing recurring and non-recurring grants paid to aided schools in the Delhi Province arranged according to various communities?

**Mr. J. W. Bhore:** A statement giving the information asked for is laid on the table.

<i>Recurring grants, 1925-26.</i>		Rs.
Christian Mission . . . . .	5 institutions	29,100
Muhammadan Schools . . . . .	3 do.	18,500
Hindu Schools belonging to various denomination . . . . .	11 do.	86,100

<i>Non-recurring grants for 1925-26.</i>		
Mission Schools . . . . .		31,100
Hindu Schools . . . . .		13,000

#### PREVENTION OF THE PREPONDERANCE OF THE HINDU COMMUNITY IN THE EDUCATION DEPARTMENT OF THE DELHI PROVINCE.

1222. **\*Maulvi Muhammad Yakub:** Will Government kindly state what measures they are adopting to avoid a preponderance of one community (Hindu) in the Education Department of the Delhi Province?

**Mr. J. W. Bhore:** The Honourable Member is referred to the reply given to his question No. 1106 on the 8th instant.

ARTICLES IN THE *MUSLIM HERALD* OF ALLAHABAD.

**1223. \*Maulvi Muhammad Yakub:** Has the attention of Government been drawn to a series of articles in the *Muslim Herald* of Allahabad in its three issues from 3rd to 8th January 1926? If so, what action has been taken by Government to remove the grievances contained therein?

**Mr. J. W. Bhore:** The Government of India have seen the extract from the *Muslim Herald* sent by the Honourable Member. I have nothing to add to what I have already said on this subject.

**Mr. K. Ahmed:** May I know, Sir, whether the Department of my Honourable friend controls the policy in the Province of Delhi? If the answer is in the affirmative, does it not behove him to transfer the grievances mentioned by the Honourable Member, so that they may be looked into? If there were no grievances, he would not have put this question.

**Mr. J. W. Bhore:** I really, Sir, did not follow the Honourable Member's question.

**Mr. K. Ahmed:** Have you, Sir, no policy in your Department which the Delhi Province should follow in the Imperial City?

**Mr. J. W. Bhore:** We have a very effective policy.

**Mr. K. Ahmed:** If the policy is not followed by the Delhi Province, does the Department of my Honourable friend take any steps to bring it to the notice of the Provincial heads of departments?

**Mr. J. W. Bhore:** My Honourable friend has not paid any attention, I think, to the reply given by me. I have already drawn the attention of my Honourable friend Maulvi Muhammad Yakub to the reply that I gave to his question No. 1106 on the 8th instant, and that gives him a complete reply to the question that he has now put.

**Mr. K. Ahmed:** Have you done anything to remove the grievances contained therein?

**Mr. J. W. Bhore:** I must refer the Honourable Member to the reply I have already given.

**Nawab Sir Sahibzada Abdul Qaiyum:** May I know, Sir, how far the Central Government are responsible for the action of these small administrations which are under the direct control of the Government of India?

**Mr. J. W. Bhore:** That, Sir, is a large question which I cannot reply to within the compass of an answer to a supplementary question.

**Nawab Sir Sahibzada Abdul Qaiyum:** May I ask the Honourable Member, Sir, how is this stigma of inefficiency and paucity of Muslim candidates to be removed? Can the Honourable Member suggest any means? How are we to prove that we are efficient and that there are plenty of Muslim candidates available for every branch of Government service?

**Mr. J. W. Bhore:** I would suggest to the Honourable Member that he should bring that matter to the notice of those who are directly responsible for the administration, namely, the Chief Commissioner in the North-West Frontier Province and the Chief Commissioner in Delhi.

**Nawab Sir Sahibzada Abdul Qaiyum:** But we are here in direct touch with the Government of India and the Honourable Member is answering all the questions that are put to him. Can he suggest any means of redressing these grievances on the floor of the House?

**Mr. J. W. Bhore:** I have already pointed out, Sir, that the Chief Commissioner in Delhi has been informed of the questions and answers on this point that have been put in this House and that an assurance has been given that the matter will receive his attention. I can do no more than that.

**Nawab Sir Sahibzada Abdul Qaiyum:** Is it simply the transmission of the Local Government's reply to this House and the forwarding of the questions put in this House to the Local Governments that is being done by the Government Members in this House?

**Mr. J. W. Bhore:** I would suggest to the Honourable Member that he should study the reply given by me to Mr. Yakub from which he will see that the Chief Commissioner has promised that these matters will receive his careful attention. Surely I cannot do more than that.

**Mr. K. Ahmed:** Do Government propose to send for the file and verify what the Local Government have said?

**Mr. J. W. Bhore:** No, Sir. Certainly not.

**Mr. K. Ahmed:** Then the Department of my Honourable friend is nothing but a bogus one here. Isn't that so, Sir? (Laughter.)

#### INSINUATIONS AGAINST CERTAIN HINDU OFFICERS OF THE EDUCATION DEPARTMENT, DELHI.

1224. **\*Maulvi Muhammad Yakub:** (a) Is it a fact that the Superintendent of Education has other multifarious duties to perform in the Government of India Secretariat and therefore cannot bestow proper attention and searching inquiry in the matters of establishment, grants, etc., and that he has to depend wholly on the advice tendered by the only four following heads?

Assistant Superintendent of Education	...	...	Hindu
District Inspector of Schools	...	...	Hindu
Head Clerk of the Office	...	...	Hindu
Permanent Assistant Superintendent of Female Education, though a Christian but of Hindu extraction.			

(b) Is it the accepted practice of Government not to post administrative and executive officers in their own native places?

(c) Is it a fact that the Assistant Superintendent of Education, District Inspector of Schools and Head Clerk, all belong to Delhi city proper and have got family connections to bring influence to bear upon the higher officers, both in the Department and outside offices?

(d) Is it a fact that the claims of other communities, i.e., Muhammadans, are ruthlessly trampled under foot by the above officers in favour of men of their own kith and kin and community?

(e) Is it a fact that inter-relations exist between them, head clerk a near relation of the District Inspector and so on?

(f) Is it the usual practice in other provinces to appoint officers in the inspecting line in charge of the Offices of the Director of Public Instruction or of those of Divisional Educational Inspectors and that nowhere a headmaster in the teaching line is appointed in charge of an administrative and inspecting office? If not, will Government kindly give any instance? If so, will Government give reasons for the departure in Delhi from such usual established practice?

**Mr. J. W. Bhore:** (a) I must repudiate as absolutely unwarranted the suggestion contained in this part of the question. I trust the Honourable Member will not allow his zeal on behalf of his community to lead him in future into making such grossly improper suggestions in regard to an officer of the standing of the Superintendent of Education in whom the Government repose entire confidence.

(b) No such rule is observed in the Education Department.

(c) I must decline to answer this part of the question which contains highly objectionable insinuations, unless the Honourable Member can satisfy me that he has good grounds for putting it.

(d) No

(e) No.

(f) The employment of a college principal or a high school headmaster on administrative and inspecting duties is by no means uncommon. In any case the Government do not propose to alter the existing practice.

INSPECTIONS OF THE LOCAL HIGH SCHOOLS IN THE DELHI PROVINCE  
BY THE ASSISTANT SUPERINTENDENT OF EDUCATION TO THE  
DETRIMENT OF HIS WORK AS HEADMASTER OF THE GOVERNMENT  
HIGH SCHOOL.

1225. **\*Maulvi Muhammad Yakub:** Is it a fact that the Assistant Superintendent of Education now makes all inspections of the local High Schools with the District Inspector of Schools and during the inspecting season extending over months in the year his work as headmaster of the Government High School suffers considerably?

**Mr. J. W. Bhore:** The reply is in the negative

COMPLAINTS OF NEGLECT OF DUTY AGAINST THE HEADMASTER OF THE  
GOVERNMENT HIGH SCHOOL, DELHI, BY MATRICULATION STUDENTS.

1226. **\*Maulvi Muhammad Yakub:** (a) Is it a fact that there is a universal complaint amongst the Matriculation class students of the Government High School, Delhi, that the headmaster does not give proper attention to his classes and thus their preparation for the University examination suffers considerably? Do Government propose to remove this grievance by either appointing a wholetime headmaster of the High School or by relieving the headmaster of the extra charge of the Assistant Superintendentship of Education?

(b) Are Government aware that the headmasters of the other Delhi High Schools, his equal colleagues, resent inspections by an officer of equal rank of their schools?

**Mr. J. W. Bhore:** (a) No. The school is gaining continuously in popularity and efficiency.

(b) No.

APPOINTMENT OF MUHAMMADANS AS SEASON TEACHERS IN THE RAISINA AND TIMARPUR SCHOOLS.

1227. **\*Maulvi Muhammad Yakub:** Will Government lay on the table a list of season teachers for the Raisina and Timarpur schools? Will Government state why no Muhammadan candidate has been appointed as season teacher?

**Mr. J. W. Bhore:** The Raisina and Timarpur schools are not Government but municipal schools.

STATEMENT REGARDING TEACHERS APPOINTED TO THE EDUCATION DEPARTMENT, DELHI.

1228. **\*Maulvi Muhammad Yakub:** Will Government lay on the table a statement giving names, religion, pay, previous occupation, etc., of all those persons who have been appointed during the dual duties of the Superintendent of Education, one statement for Delhi and one for Ajmer? (Teachers already in the Department but transferred from one school to another need not be shown.)

**Mr. J. W. Bhore:** I regret to say that the question is unintelligible to me

**Maulvi Muhammad Yakub:** Will the Honourable Member suggest how to make this question intelligible?

**Mr. J. W. Bhore:** That, Sir, I am afraid, is not part of my duties. But if he will . . .

**Mr. President:** Order, order. It is not the business of the Government Member to suggest how to make the Honourable Member's question intelligible.

NUMBER OF MUHAMMADAN AND HINDU TEACHERS, CLERKS AND PEONS IN SCHOOLS IN THE DELHI PROVINCE AND AJMER-MERWARA.

1229. **\*Maulvi Muhammad Yakub:** Will Government kindly state the actual number of Muhammadan and Hindu teachers, clerks and peons both in the Delhi Province and Ajmer-Merwara schools?

**Mr. J. W. Bhore:** This question is also not quite clear. If it refers to teachers in aided schools and board schools, collection of the information would involve an expenditure of time and trouble which in the circumstances would not be justified.

**Maulvi Muhammad Yakub:** Sir, this question is very important so far as my community is concerned and to say that the collection of information would involve labour which is not justifiable in the interests of my community is not correct.

**Mr. J. W. Bhore:** That, Sir, is not a question. It is a matter of opinion.

## THE HEADMASTER OF THE RAISINA SCHOOL.

1230. \***Maulvi Muhammad Yakub:** Are the facts stated in the issues of the *Muslim Herald* from the 3rd to the 8th January, 1926, about the Raisina School correct, i.e., the post of headmaster was offered to a Hindu candidate who was found unfit and the offer withdrawn, the post for the second time was offered to another Hindu gentleman, his antecedents were also found doubtful and again withdrawn, the post then for the third time was offered to another Hindu gentleman, quite fresh from the college with no teaching experience? If it is correct will Government kindly state why the Muhammadan candidates were entirely ignored? Will Government kindly state in what papers advertisements for this vacancy appeared? If they were not published in any European or Muhammadan paper, will Government kindly state reasons? Do Government propose to appoint a Muhammadan headmaster for the Raisina High School to be established next year?

**Mr. J. W. Bhore:** This is not a Government school and the Municipality makes its own appointments.

RECOMMENDATIONS IN THE *MUSLIM HERALD* OF THE 13TH JANUARY, 1926, REGARDING EDUCATIONAL OFFICERS OF THE DELHI PROVINCE.

1231. \***Maulvi Muhammad Yakub:** (a) Do Government propose to accept the recommendation of the *Muslim Herald* contained in its issue of the 13th January, 1926:

- (i) that the District Inspector of Schools, as in other provinces, should be made Assistant Superintendent of Education:
- (ii) that the allowance of Rs. 75 given to the Headmaster of the Government High School, Delhi, should be abolished, thereby saving Rs. 900 per annum:
- (iii) that the District Inspector must be a Muhammadan:
- (iv) that the Head clerk of the Office must be a Hindu?

(b) Is it a fact that the conditions in the Ajmer Education Department are similar to those in Delhi, all the inspecting officers and office clerks, with the exception of one, being Hindus?

**Mr. J. W. Bhore:** (a) The reply is in the negative.

(b) Yes.

## PREPONDERANCE OF HINDUS IN THE EDUCATION DEPARTMENT OF DELHI.

1232. \***Maulvi Muhammad Yakub:** (a) Has the attention of Government been drawn to an article in the *Muslim Outlook* of Lahore, dated the 22nd December 1925? If so, are the figures given therein correct; if not, will Government kindly give correct figures?

(b) Will Government kindly give reasons for the preponderance of one community (Hindu) in the Education Department of Delhi?

(c) Will Government kindly state if a sufficient number of Muhammadans cannot be obtained to keep the proper equilibrium?

(d) Will Government kindly state whether they are adopting proper measures to avoid this preponderance and to safeguard the rights of other communities?

**Mr. J. W. Bhore:** (a) to (d). The article in question has not been seen by the Government. An endeavour is being made to obtain the issue of the paper referred to.

## UNSTARRED QUESTIONS AND ANSWERS.

### CONSTRUCTION OF THE BALLY BRIDGE BY INDIGENOUS AGENCY.

**215. Baboo Runglal Jajodia:** 1. Is it contemplated to place the contract for the proposed Bally Bridge with a firm of engineers in Britain? If so, why?

2. Have Government considered the question of carrying out the work by engineers of the East Indian Railway with the help of local contractors?

3. Is it the declared policy of the Government to carry on all works through indigenous agencies as far as possible?

4. Is it a fact that the Sara Bridge was constructed by the Railway and Public Works Department engineers through local contractors?

**The Honourable Sir Charles Innes:** (1) The construction of the Calcutta Chord Railway including the Bally Bridge will be done departmentally except the girders and the piers above foundations for which it is proposed to call for tenders.

(2) to (4). The questions do not arise.

### AMENDMENT OF THE CURRENCY NOTES REFUND RULES, 1921.

**216. Baboo Runglal Jajodia:** (a) Are Government aware that the proposed amendment of the Currency Notes Refund Rules, 1921, which contemplates:

(1) that no claims on half or mismatched notes of denominations of Rs. 5 and Rs. 10 will be admitted, and

(2) that on half-notes of denominations of Rs. 50 and upwards while half the value will be paid within 14 days of presentation, claims to full value will not be entertained till after the lapse of 5 or 8 years will prove detrimental to public interests in India.

(b) Will the Government please state what considerations have led them to propose a change in the existing rules?

(c) Have the Local Governments been consulted in the matter and what has been their opinion?

**The Honourable Sir Basil Blackett:** (a) and (b). I would invite the Honourable Member's attention to the Finance Department Resolution No. F./20-XI-F., dated the 15th October, 1925, which was published in the Gazette of India at the time. Objections raised before the 31st March, 1926, will be taken into consideration before the amendments are made.

(c) Local Governments have been consulted, but their replies have not been received.

## ARTIFICIAL GHEE.

**217. Baboo Runglal Jajodia:** Has the attention of the Government been drawn to an appeal issued by the Pure Food Stuff Supply Co. of Delhi, relating to the introduction of an artificial kind of ghee imported from abroad and which is being sold in the market as a substitute for ghee?

(b) Will the Government please state whether they are satisfied as to the purity of the stuff?

(c) Will they please state if there is any truth in the statement that the stuff is not ghee but only foreign fat not derived from milk?

(d) If the answer to (c) be in the negative what action if any do they propose in the matter?

**Mr. J. W. Bhore:** (a) No.

(b) The Health Officer, Delhi Municipality, has obtained from Government and other analysts certificates testifying to the purity of "Vanas-pati" (vegetable oil), which is probably the article referred to by the Honourable Member

(c) These vegetable oils are not ghee as ghee is ordinarily defined but the Government understand that they are purely of vegetable origin.

(d) So long as they are sold as vegetable products and not as ghee, no action is called for

PROSPECTS FOR BRITISH FIRMS IN THE NEW AGRICULTURAL POLICY TO  
BE PURSUED IN INDIA.

**218. Baboo Runglal Jajodia:** Has the attention of the Government been drawn to the following statement of Mr George Pilcher, M P

"In the New Agricultural policy to be pursued in India I see great prospects for British firms India could absorb annually 2 or 3 million iron ploughs, not less than 5 millions small engines for water lifting and 2 million larger ones for other purposes and as all these would come from Britain 1½ million men out of work would be benefited."

(b) Will the Government please state whether the implication contained in the statement has anything to do with the appointment of a Royal Commission recently announced by Government?

(c) Are Government aware that the above statement has given rise to considerable misapprehension in India?

**Mr. J. W. Bhore:** (a), (b) and (c) The answer is in the negative

## STATEMENT OF BUSINESS.

**The Honourable Sir Alexander Muddiman** (Home Member): With your permission, Sir, I desire to make a statement on the probable course of Government business next week. The outstanding legislative business of Government will be put on the agenda paper for Monday, the 15th March in the following order:

1. Resumption of consideration of the Indian Tariff (Amendment) Bill.
2. Consideration and passing of the Madras Civil Courts (Second Amendment) Bill.



3. Consideration and passing of the Indian Finance Bill.
4. Consideration and passing of the Cotton Industries Statistics Bill.
5. Consideration and passing of the Legal Practitioners (Fees) Bill.
6. Consideration and passing of the Code of Civil Procedure (Second Amendment) Bill.
7. Consideration and passing of the Indian Divorce (Amendment) Bill.
8. Consideration and passing of the Indian Factories (Amendment) Bill as reported by the Select Committee.
9. Consideration and passing of the Indian Income-tax (Amendment) Bill as reported by the Select Committee.
10. Consideration and passing of the Delhi Joint Water Board Bill.
11. Consideration of the amendments made by the Council of State to the Indian Trade Unions Bill, the Legal Practitioners (Amendment) Bill and the Madras Civil Courts (Amendment) Bill.

This will be followed by a motion to refer to Select Committee the Indian Bar Councils Bill. I may inform the House that it is not my intention that the Committee should sit during the current Session. Thereafter time will be given for the consideration and passing of Sir Hari Singh Gour's Transfer of Property (Amendment) Bill.

So much of this legislative business as is not completed on Monday the 15th March will be taken on Tuesday and if necessary on the following days. On the completion of the legislative business the remaining business will be taken up. This business will be placed on the agenda paper for Tuesday which will remain until completed. The business which will be entered on it consists of—

1. A supplementary Demand for fifty lakhs in respect of "Archæology."
2. Resumption of the discussion on the Honourable Sir Bhupendra Nath Mitra's Resolution regarding workmen's compensation for occupational diseases.
3. A Resolution by the Honourable Sir Basil Blackett regarding the reduction of exports of opium from India.
4. Resumption of the debate on the Resolution regarding Reforms in the North-West Frontier Province.
5. Mr. Gaya Prasad Singh's Resolution on the South African situation.
6. Sir Sivaswamy Aiyer's Resolution regarding the creation of an Indian Mercantile Marine.
7. My own Resolution regarding Standing Committees for dealing with Bills relating to Hindu and Muhammadan Law. I may say as regards this that, if it is not the wish of the House to go on with it, I shall not object.
8. Mr. Bhore's Resolution regarding the terms on which emigration to British Guiana should be allowed.

## THE GENERAL BUDGET—LIST OF DEMANDS—*contd.*

### SECOND STAGE—*contd.*

#### *Expenditure from Revenue—contd.*

##### DEMAND No. 28—EXECUTIVE COUNCIL—*contd.*

*Appointment of a Royal Commission on Reforms—contd.*

**Mr. President:** The House will now resume the consideration of Mr. Jinnah's motion.

“That the Demand under the head ‘Executive Council’ be omitted.”

**Maulvi Muhammad Yakub** (Rohilkund and Kumaon Divisions: Muhammadan Rural): Sir, as we know, the discussion raised this morning is not on the merits of the item under discussion, but we have raised it in order to give vent to our feelings of indignation and disappointment at the attitude taken up by the Government in not acceding to the demand of the country, demonstrated through the almost unanimous vote of the elected Members of this House, for a Royal Commission before 1929. Last year the prospect was brighter. Lord Reading was to consult with Lord Birkenhead, and it was anticipated that a Royal Commission would be the logical outcome. Since then there has been Lord Birkenhead's speech in which there is little consolation. And the Viceroy's addresses at the opening of the Assembly and the Council of State contain less. In his address at the opening of the Session of the Assembly on January 20th, His Excellency the Viceroy, after quoting a passage from the speech of Lord Birkenhead, and also a passage from his own speech of August last, said he had hoped that the leaders of Indian political thought might seize the opportunity afforded to them. “But to my great regret”, observed His Excellency, “I must confess that the realisation has fallen short of the extent of my hopes”. With due respect to His Excellency the Viceroy I must say that if, according to His Excellency, the realization has fallen short of his hopes, it must have been due to the fact that His Excellency probably extended the sphere of his hopes to such an unrealizable extent that it was doomed to disappointment. As regards the general co-operation of the responsible leaders, I submit they have not failed in giving a practical shape to their sentiments of friendship and good-will, and have all the time extended their hand of friendship and co-operation, but there was no response or gesture of the change of mind on the part of the Government.

In the first place, I submit that the number of those leaders of Indian political thought who profess non-co-operation is so small, in comparison with the huge population of the country, that it can hardly be taken into consideration. But even those who preach non-co-operation by word have by their deeds shown genuine co-operation and, so far as it lay in their power, paved the way for an earlier appointment of the Royal Commission. The very fact that the Deputy President of the Swaraj Party occupies the Presidential Chair of this House with great dignity and credit, and the respected leader of that party acted as a member of the Skeen Committee and had consented to go . . . (*The Honourable Sir Alexander Muddiman*: “He has resigned.”) Because your attitude obliged him to resign. He resigned only the other day. He acted for a long time as a member of the Skeen Committee. As I was

saying, he had consented to go to foreign countries with that committee, and last, though not least, the generalissimo of the movement, Mahatma Gandhi has himself retired from active life for the long period of twelve months. These are no doubt sure and unmistakeable signs of co-operation on the part of those whose action according to His Excellency the Viceroy would change the political atmosphere; and even if such a manifestation of good-will and co-operation has fallen short of the extent of His Excellency's hopes, then the only logical conclusion is that according to His Excellency the time will never come when India will arrive at the surest and the quickest way to travel along the road to her ultimate aims and aspirations, nor would the British Government elect to comply with their request. This being the attitude and the gist of the pronouncement of a great Viceroy like His Excellency Lord Reading, the representatives of the people in this House are quite justified in making the strongest possible protest, and adopting any methods which they may consider would go to demonstrate the depth of their feelings. The Swarajists, whose absence from the House we keenly feel and regret, and we ourselves have got the same sentiments. The difference is only in the *modus operandi*. Being dejected by the attitude of the Government, they left the battlefield and acknowledged their defeat, while we, although small in number, have decided to fight to the bitter end.

*"Mā wa majnoon ham sabaq boodem dar divān-i-ishq,  
Oba sahrā raft wa man dar kūchāhā ruswa shudam."*

which means:

"Majnoon and I were together, in taking lessons in the poetry of love; he chose to wander into the wilderness while I earned my notoriety in the lanes."

Again, Sir, it may be argued, as it was argued on the Resolution for extending the Reforms to the North West Frontier Province, that, in the picturesque language of the Honourable Sir Denys Bray, "There have been happenings in this great country which might lead to tone down a little here, to brighten up a little somewhere else. The lights might be softened, the shadows might possibly be deepened". These are the words of the Honourable Sir Denys Bray. And it is in order to break the spell of these happenings in the country that I take my stand in the House to-day. This is now the third time since the second Assembly came into being that we have had any occasion to discuss the question of the extension of the constitutional reforms, and on the two previous occasions, as well as on this occasion, I, representing the views of a large majority of educated Mussalmans, was, and am, in full accord with the demand for a speedy attainment of full responsible government in India. But, as on two previous occasions, I made quite clear the Muslim point of view, in the same way I want to make it quite clear for the third time so that there may be no mistake and misunderstanding about our point of view on this all-important question, that our association in the demand for the freedom of the country is supplemented with our demand for safeguarding the rights and interests of the 71 millions of the Indian Mussalmans, at the various stages of our future constitutional development, until the goal is reached. It is true that Islam has a distinctive individuality of its own, not only as a religious but also as a political and social system, and the Mussalmans of India are not, in any case, prepared to merge their separate entity into a body politic. It is to my mind beyond question that without inter-communal co-operation and good-will, the attainment of full

[Maulvi Muhammad Yakub.]

responsible government in India is an absolute impossibility and therefore those who preach to the Hindus, Christians and Parsees, "to keep together so as to fight out the disease of communal representation in the political field", and dream of obtaining Swaraj in India without taking into consideration the Muslim element, are to my mind leading the country to a path which will never take them to their cherished goal. To those who think that separate Muslim electorates are opposed to the basic principles of democracy I would point out that the basic principles of all modern systems of democratic government are, (1) that the executive of the country should be responsible to the Legislature, and (2) that the Legislature should be really representative of the people. Now, in order to make the Legislature really representative of the people, it is obvious that the electorate must be so constituted as to give the fullest scope to representation of all sections of the population. We find that in the latest constitution within the British Empire, where the conditions are somewhat analogous to those obtaining in India, *i.e.*, in the Kenya Colony, communal electorates form an integral part. Territorial electorates in the circumstances at present obtaining in India may result in bringing into existence an oligarchy, but cannot create a really representative Legislature. In the conditions unfortunately existing at present in India, mixed electorates furnish a periodically recurring cause of friction between the two communities. Still there are certain mixed electorates, for instance university electorates and the landholders' electorates. From the commencement of the formation of these electorates, that is since the days of the Minto-Morley reforms, not a single Mussalman has ever been elected to the Provincial or the Imperial Councils through these electorates.

Next comes the question of the proportion of the Mussalmans in the various elective bodies. The principle of the protection of the minorities has now been recognised by all civilized countries. Unless you give to the minorities a representation somewhat in excess of their numerical strength, you do not afford any protection to them. It was on this principle that the Congress-League Pact was arrived at. There was also one proviso in the pact which constituted a real safeguard, but it was somehow or other ignored by the Government. According to that proviso,

"no Bill nor any clause thereof, nor a resolution introduced by a non-official member affecting one or the other community in the Legislative Council concerned, shall be proceeded with if three-fourths of the members of that community in the particular Council, Imperial or Provincial, opposed the Bill or any clause thereof, or the resolution."

The non-acceptance of this proviso by the Government, when they had accepted one part of the pact, was an arbitrary act, which has placed the Mussalmans at a great disadvantage. To give an illustration of the hardship to which the Mussalmans may be subjected by the non-acceptance of this proviso, we have the recent case of the United Provinces Council, where, in spite of the unanimous verdict of the Mussalman Members, the compulsory primary education Bill was passed in the teeth of their opposition, and they had no option but to leave the Council in order to record their strong sense of protest.

For the Indian Mussalmans the immediate appointment of Royal Commission is an absolute necessity to remedy the injustice done by the exclusion of the protective proviso from the constitution. The Muslim demands are fully described in the Muslim League resolution, passed at its special

meeting at Lahore in May 1924, which was confirmed at Bombay in December 1924 and reaffirmed at Aligarh in December last. The full text of this resolution was quoted by me in my speech at Simla in September last on the demand resolution and therefore I need not repeat it here. In this connection I have only to say one word more and it is this, that whatever concessions and safeguards we demand for our community, the same concessions and safeguards we are prepared to accede to the other communities in provinces in which they are, or in future may happen to be, in a minority.

The other question which is as important as the representation of Mussalmans on the elected bodies is their representation in the public services of the country. Not possessing capital to enable them to take up any trade, and by temperament not being adapted to the profession of traders, the Mussalmans have for a long time been mostly associated with the public services of the country and therefore their sudden expulsion from the only avenue of livelihood is a very serious problem for them. I should like to make it quite clear that what the Indian Mussalmans want in this connection is fair treatment and bare justice. They do not want to be given a share in the administration for which they are not fully equipped. Their grievance in the past and at present is that the door of many an office is shut in their face not because they are not qualified for it, but because they lack the influence to open it, and that in many cases having entered an office, and though fully fitted to perform efficiently its duties, they are hounded out of it because they are Mussalmans. Remember, no administration can prosper and no country can achieve greatness where a large and important community, having thrown aside its ignorance and lethargy in an enthusiastic and zealous mood to recover its glory and greatness, is subjected to such treatment.

Having thus safeguarded our rights and interests, we, the Mussalmans, are perfectly in harmony with our Hindu brethren in claiming the emancipation of our motherland. No doubt, for the present, the atmosphere is beset with thick clouds of communal tension and communal heat, of which we are really ashamed, but I am quite sure that the present situation is merely a passing phase and an abnormal state of affairs which cannot last long, and it would be very unfair indeed to use it as a stumbling block in the way of our further progress. A parallel to the present state of affairs in India may be found in the history of Canada where the relations between the English and the French were more strained than the relations between the Hindus and Mussalmans in India. So much so that the English and the French were not on talking terms, and there was even no social intercourse between the two communities. So much so that even the school children formed their parties on communal lines. Happily the situation is not so bad in India. But it was under those gloomy surroundings that Lord Durham recommended the grant of full responsible government to Canada, and the present harmonious relations between the two communities in that part of the Empire are due to the emancipation of that country. In the same way harmony and good-will in India is bound to follow in the train of the satisfaction of our political aspirations and, to quote the same line of Sheridan which Sir Denys Bray quoted the other day, "When they do agree upon the stage, their unanimity is wonderful!"

**\*Mr. J. Baptista** (Bombay Central Division: Non-Muhammadan Rural): Mr. President, it is with considerable reluctance that I rise to

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support the motion of my Honourable friend the Member for Bombay. My reluctance is due to the policy of responsive co-operation which I have inherited as the political testament of that great and sagacious patriot, Bal Gangadhar Tilak. I am thoroughly convinced that the policy of responsive co-operation reinforced with goodwill to Great Britain is the best policy to pursue for the purpose of promoting the political progress of India towards the great goal of Swaraj. In the circumstances you will realise the reluctance I feel to begin my responsive co-operation in this Assembly by associating myself with a motion of this description. I feel somewhat embarrassed, like a man constrained to approbate and reprobate at the same time, but one must do his duty, and although the duty may not be a very agreeable one it must be discharged.

Now, Sir, the motion before us is to omit Demand No. 28. The object of this omission really is to raise the constitutional issue. The Honourable Member from Bombay has explained what he means by the constitutional issue. It is quite clear from that explanation that this vote, though it is in the form of a censure, is not in its essence a vote of censure. As a matter of fact, it would be somewhat anomalous to move a vote of censure in a constitution of the present description. We have His Majesty's Government, yet we have not reached the stage of His Majesty's Opposition. We have a Government that is irremovable. Therefore the Government established by law cannot be disestablished by a vote of censure. Therefore nobody need be deterred very much by this kind of vote of censure. It has not the consequences that pertain to votes of censure. Government are not going to resign. Nobody expects them to resign. This vote of censure is really a more emphatic way of raising the issue than could be done by a mere Resolution; and, therefore, I think that nobody need be deterred or frightened by the idea that this is a vote of censure and will result in disastrous consequences. Nothing of the kind.

Now, Sir, I myself am disposed to look upon this demand as a kind of gentle gesture to remind the Executive of the Ides of March. But the dramatic departure of the Swaraj Party has more than warned the Government to beware of the Ides of March. Now I do not know whether the Ides of March is going to be the doomsday of the Executive Council or the doomsday of the Swaraj Party or the doomsday of both! I do really hope that it will not be the doomsday of either of them. I hope no one's doomsday is at hand. After all, Sir, in spite of the faults of the Swaraj Party we cannot but admire the spirit of service and sacrifice which they are displaying on very many occasions. Some of their acts no doubt remind us of Shakespeare's *Comedy of Errors*. But there is one particular aspect which I should like the House to take note of, which has rather a serious aspect from a constitutional point of view. We were solemnly told the other day by the Leader of the Swaraj Party that they had received orders from the Congress to deliver their message and then quit the House; and they did so. Now, Sir, all of us know that we have travelled very far from the days of Burke in the way of mandates from constituencies. Nevertheless, I submit that there is not a party in the House of Commons which would to-day tolerate any interference, much less dictation, from any party outside the House. Any one who has studied the growth of parties in England will corroborate me in that matter. Everyone knows how Gladstone reprimanded a member of his party in the early days of the Liberal Federation. Everyone knows how Lord Salisbury reprimanded Lord Randolph Churchill in the matter

of the Conservative Association; and so far as I can see there is no party in the House of Commons to-day, be it Liberal, Labour or Conservative, which will tolerate any interference from outside. But what do we find here, Sir? We find a party outside making rules to regulate the conduct of Members of the party inside this House. Now that is, I submit, subversive of all representative institutions, and I sincerely and earnestly request our colleagues in this House and our compatriots outside this House not to allow, not to tolerate, not to express any approbation of this kind of conduct. I am quite sure that our enemies in India and more, our enemies in England, will misuse, will abuse, this departure for the purpose of doing damage to our just cause. I hope and trust that we shall not put ourselves in the hands of our enemies by this means.

Then, Sir, I come to this Demand. What will happen if this Demand is dropped? What will happen is simply this. We shall deprive the weary workers on the Executive Council of their joy rides in reserved saloons to all parts of the great Indian peninsula. Nothing more than that will happen, nothing more serious, if they do not travel, as my Honourable friend Mr. Jinnah said: they will learn nothing and they will forget nothing like the Bourbons of old, and that will not do much harm. This grant can be restored because they have the power of restoration. Therefore, I submit, Sir, we need not be frightened by any disastrous consequences. What will happen really is this. It will do no harm to Government but it may do good to Government and good to the people. It will probably strengthen the hands of the Government to make fresh representations to the effect that the people of this country are thoroughly discontented with the present constitution and they are quite justified in their discontentment, and in that way they will promote the good of the country. And in this matter I would ask even our European and Anglo-Indian Members and others to be with us and support us. After all, the object of the Honourable the Mover of this amendment is merely to accelerate the appointment of a Commission, Statutory, Royal or whatever you may call it, for the purpose of promoting further instalments of reform, for the purpose of reforming the Reforms. I trust, Sir, that our Anglo-Indian and European friends will support us. Sir, they are sometimes described and depicted as birds of passage: personally I think it will be more correct to depict them as Birds of Paradise for I find them quite as charming and as beautiful as Birds of Paradise. (Laughter.)

Sir, that is the point of view that I would urge upon this House. Now, who in this House is enamoured of this present constitution? Is there any one in this House who does not thoroughly agree that these Reforms are inadequate and unsatisfactory? If they do, I should like them to examine it a bit. Some years ago, Lawrence said that there were only two great autocrats left in the world, the Czar of Russia and the Viceroy of India. That was before the War. Sir, the Czar is gone, but the Viceroy remains. As a matter of fact he has emerged from the Reforms far more autocratic than he ever was before, far more autocratic than the Great Moghul was in the zenith of his power. Now, I would ask you to consider this. Before the Reforms, the Viceroy could issue Ordinances which could last only for six months. To-day after complying with certain formalities he can make any law he pleases, and he has made laws as he pleased. That could not be done before these Reforms. (*An Honourable Member: "What about the cotton excise?"*) I do not quite understand the interruption. So far as the cotton excise is concerned, I do not know how it

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affects the power of the Viceroy. He could have done it before the Reforms. I am not saying now that the Government are not doing something good, that they are not making regulations and passing laws which will satisfy socialists in England. I am only a Fabian, Sir, I am not a red-hot Socialist myself. I am not contending about that. I am now only discussing the power which the Viceroy possesses under the present Reforms. Take Bengal for example. Before the present Reforms, under the Morley-Minto Reforms, Bengal had an elected majority. That elected majority could prevent the making of any laws which they did not approve. They cannot do so to-day, under the powers of certification that are reserved to the Governor. Therefore, in this matter so far as I can see, the Reforms have retrograded to some extent and have not advanced. The only difference is that now you have got a lot of camouflage and behind you have terrible reserve powers which you can use; nowhere is it more clear than when we come to deal with the power of the purse. What happens, Sir, to-day? You have the power of restoring any Demand for Grant that has been refused. I often hear people say "Why should we compel Government to restore?" I was sorry to hear some gentlemen say that by compelling Government to restore we will only transform an abnormal power into a normal procedure. I do not think that need deter us. That argument once appealed to me; but it now makes no impression on me because of the past conduct of the Government when they restored grants on very flimsy grounds. Therefore I do not think any one should be deterred by it. On the other hand, Sir, I think that being compelled to restore it exposes one of the most fundamental defects of this present constitution; and I shall explain it. We have all heard of the sacred principle of no taxation without representation. But the power of restoration means this, that the Government can impose taxation and ignore representation. If I may use an expression which is more graphic, though less polite, the power of restoration means "Impose taxation and damn representation." That is the power of the purse which exists to-day, and it is one of the most fundamental defects in this constitution. Is there any one here who can tolerate the powers thus possessed by the Government? I submit Sir, no one in this House should tolerate it, much less should Englishmen tolerate this power. In this twentieth century no Government imposes taxes without the consent of the people. Here the Government can impose taxes in spite of the dissent of the people. Nothing can deter them. They have the power to do so. But what does it mean? To impose taxes against the will of the people through the representatives of the people in this Assembly means nothing more than legal robbery. Constitutional lawyers are to-day agreed that to tax the people without their consent is legal robbery. I should like to hear the views of the successor of Lord Macaulay in this House upon this aspect of this question. I am quite certain, Sir, that Robin Hood and our own Ali Baba and the Forty Thieves would have been delighted if they had had this power. Therefore, Sir, this is a constitution which cannot for a moment command our approbation. It causes dissatisfaction, it causes discontent; it causes divine discontent; it enforces agitation. And I should like to ask, are the Government prepared or disposed to do something to relieve us in this matter in the way that has been suggested, namely, by the appointment of a Royal Commission? It is a very moderate and modest demand, and I do not think that Government should hesitate.



After all the Government must remember that they have had a good deal to do in fashioning this present constitution, and even if they had not, they have a duty to advise. I do not know if you remember that in that famous declaration there was a paragraph which said that Parliament would decide what steps to take or in what time and measure the next move should be with the advice of the Government of India. Somehow those words have disappeared from the Preamble that is now embodied in the Government of India Act. I cannot for one moment believe that the Government in England would act without the advice of the Government of India, and I cannot for one moment believe that the Government in England would reject the advice of the Government of India; and I therefore ask the Government of India what are they doing? Are they going to facilitate the next instalment or are they doing anything to impede the next instalment? I do hope and pray that they are doing something to facilitate the next instalment.

Sir, what has happened hitherto? We were first told that there was no necessity to revise this constitution because within the structure and scope of the Act much could be done. Lord Peel said so, and I do not know what Lord Peel had in mind. He might have had in mind the distinction between votable Demands and non-votable Demands. This distinction of votable and non-votable, Sir, sometimes reminds me of the distinction between potable and non-potable drinks. It may be that he intended to obliterate that distinction; but I myself think that what he probably had in mind was what was done in Canada under the scope and structure of the Canadian Act. We know, Sir, that the Canadian constitution at the time Lord Derby made his famous report resembled very much the constitution of the Government of India to-day. But what did England do within the structure and scope of that Act? They did not change the Act—not at all; they simply issued instructions to the Governor General to appoint as his Ministers those only who commanded the confidence of the people; and by that simple act he transformed a family compact into a representative and responsible institution. I do not want to say anything about those who are appointed here; but sometimes I feel, Sir, that those who are appointed, instead of commanding the confidence of the people, seem to command the diffidence of the people, and that makes a world of distinction between appointing or not appointing Indians.

Well, Sir, that is the position. So far as this is concerned, we have not had the benefit of Lord Peel's instructions to the Government of India. But somehow the Government of India did not know what to do within the structure and scope of the present Act; they appointed a Committee—I suppose it was called the Muddiman Committee, and the Muddiman Committee made certain reports. Now, I do not like to throw mud at Sir Alexander Muddiman or at any other man; but I must say, Sir, that I am not enamoured of this Minority Report, much less of the Majority Report. We are no doubt grateful to them for transferring Forests or Fisheries or some loaves and fishes; but on the whole it seems to me, Sir, that it is playing with the temper and the talent of the people to ask them to be satisfied with this sort of change or improvement.

The next point to which I will refer is this. We are asking for a Statutory Committee or Royal Commission to be appointed before the ten years have elapsed. No doubt the period of 10 years is fixed under the Act, but that is only the maximum period. The Government are

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bound to appoint a Commission after that period, but they are not precluded from appointing it within that period. I remember very well, Sir, Mr. Ben Spoor interpellating Mr. Montagu whether a Commission could be appointed within that period and Mr. Montagu declared that there was absolutely nothing whatever in the Act to prevent the appointment of a Statutory Commission before the lapse of ten years. If I am right, Sir, I think you yourself inspired the interpellation of Mr. Ben Spoor at that time, and the wording of the Act completely bears out what I have said. Why then do they not appoint it? We are told, "Here is a machinery. If you work it well, we shall accelerate the Commission. But if you do not work it, we shall stand still. We shall not accelerate the Commission". You all know that many of us are willing to work this Act for all it is worth. But they will tell us, "There is the Swaraj Party who refused to do it". The Swaraj Party naturally say, "We asked for a machine, but you have given us a different machine. The machine we asked for is quite different to this. Don't you know the difference between the machine you have given us and the machine we asked for?" Of course they do. It reminds me of a dutiful child who once prayed to God that it may have a bicycle. Its mother heard the prayer and promptly bought a tricycle. The child was very gratified, but the next year it prayed, "Oh, Lord, I thank you for the tricycle. But don't you know the difference between a bicycle and a tricycle?" (Laughter.) I ask this Government, don't they know the difference between the machine they have given us and the machine we desired? Sir, the Swaraj Party naturally say, "This is a bad machine. This is a rotten machine. This is an unworkable machine. If we work this machine, we will find it unworkable and you will say that the mechanic is incapable. We therefore decline to work this machine. Give us a better machine and we shall work it". The Government's attitude is simply this: "You work this machine. It may be bad, it may be rotten, but you must work it. If you do not work it, we shall never give you a better machine."

**Mr. M. A. Jinnah** (Bombay City: Muhammadan Urban): Or any other.

**Mr. J. Baptista:** Is that a rational attitude? That is one of the most comical attitudes I have ever come across. Surely, Sir, the best way is to give them a better machine. Instead of giving them a better machine, the Home Member appeals to a proverb. He says, "You can take a horse to the water, but you cannot make it drink". That may be good enough for the horses of England. There is another proverb in England which says "England is the heaven of women but the hell of horses". Therefore, no wonder horses in England behave in the fashion which the Honourable the Home Member says, that "You can take them to the water but you cannot make them drink". Horses in India are quite different. (Laughter.) You can take them to water and make them drink. The difference really, Sir, is the difference between the mentality of the East and the mentality of the West. Here we have come across a conflict between the mentality of the East and the mentality of the West. What would a wise man do? A wise man would say, "Well, you say you cannot work this machine. You want a better machine. I shall give you a better machine". That would mean responsive co-operation. That would compel co-operation. That is what a wise man would do. Instead of saying that, I find in Government a stubbornness which

baffles my comprehension. I cannot understand why they will not give a better machine. If they say this is a perfect machine and our laws are perfect like the laws of Medes and Persians, and immutable, we should not be able to say anything more than what Carlyle said: "There are 20 millions of people in England, mostly fools". Well, Sir, I do honestly pray that they will take a more reasonable attitude in this matter. They say the Swarajists were not responsive. Were they not? Could you get anything better, Sir, anything more desirable than what the Leader of the Swaraj Party said at the very commencement of the second reformed Assembly? He said, "We are here, non-co-operators, come to co-operate with you. We are your men if you will take us". There was the hand of friendship extended to the Government of India and the duty of the Government of India ought to have been to grasp that hand and if they had done so, at that very moment the history of India would have been completely changed.

**The Honourable Sir Alexander Muddiman** (Home Member): What was the hand that was offered?

**Mr. J. Baptista:** I do really believe that the Government have not acted in that manner in which they ought to have acted. It makes me feel that the whole object is to delay, delay, till the 10 years have elapsed. If that is your object, please say so and we shall know what to do. But if that is not your object, then do not insist upon the humiliation of the Swaraj Party. We know very well the history of the Swaraj Party. We know what made them take to non-co-operation, and if I may say so, it is non-co-operation on the basis of non-violence that has rendered the greatest service to the Government of India and has prevented the bloodshed of thousands of persons. (Hear, hear.) It has rendered the greatest service that could have been rendered to the Government of India at the most critical moment in the history of India. I therefore do not think, Sir, that the Government of India should insist upon the humiliation of the Swaraj Party. Do you mean to conciliate them or humiliate them? I come here as a responsive co-operator and I can tell you honestly that if you respond to the appeal which my Honourable friend Mr. Jinnah has made, you will change the face of this country. You will have a very large measure of response. Remember, Sir, after all the people of India are a very grateful people, and they, more than anybody else, are grateful for any concessions that are given to them. We are now entering upon a new era. I do hope, Sir, that under the régime of Lord Irwin and under the supervision of Lord Birkenhead we shall enter upon a new era of co-operation and of responsive co-operators. If you wish that responsive co-operation, then accept this Resolution and comply with the demand of my Honourable friend for a Royal Commission. If you do so, we shall feel very grateful. I can assure you, Sir, that East and West will walk hand in hand and each will serve for the welfare of the other. I hope that will be the future of our country now. (Applause.)

**The Honourable Sir Charles Innes** (Member for Commerce and Railways): Sir, I must apologise for inflicting a speech upon the House to-day, but Mr. Bipin Chandra Pal is responsible for it. It is his speech that has brought me to my feet. Before I come to Mr. Bipin Chandra Pal, I should like to refer to the speech of the Honourable Member who has just sat down. The Honourable Member is an old Parliamentary hand, and it would not become me to congratulate him on his maiden speech in

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the Assembly, but I think that I can say that this House can congratulate itself on having added to its ranks yet another accomplished orator. At the same time, I should like to make it clear that I disagree heartily with most of what the Honourable Member said.

Mr. M. A. Jinnah: That was expected.

**The Honourable Sir Charles Innes:** Sir, I listened to Mr. Bipin Chandra Pal's speech with the greatest attention. I must say that it surprised me very greatly. But what surprised me most of all was the conclusion of his speech in which he said that he was going to vote with Mr. Jinnah. I am not one of those who believed in the practice which has been described as digging into the dust-heap of past speeches, but I have a very vivid recollection, and I may say that most Honourable Members in this House will have a very vivid recollection, of a speech made by my friend Mr. Bipin Chandra Pal on the Demand for Grant for the Railway Board in February, 1925. Pandit Motilal Nehru had moved the rejection of that Demand. Mr. Bipin Chandra Pal with all that eloquence to which we are accustomed in this House opposed that motion, and he made a declaration of principle with which I think the House will agree. He gave this as his main reason for opposing the motion of Pandit Motilal Nehru. He said:

"We want to create conventions and all over the world constitutional advance has been made through the creation of conventions and we want to create conventions if we can, that the Viceroy shall not ordinarily certify a rejected grant."

And here may I just point out that Mr. Bipin Chandra Pal is constantly mixing certification and restoration. The restoration of a rejected grant is the painful duty of the Governor General in Council. The Governor General in Council does not certify but can restore it, and he can restore it only when he is satisfied that it is essential to the discharge of his responsibilities. Now, Sir, it is this building up of conventions to which Lord Peel referred in that famous despatch of 1923 to which Mr. Baptista and Sir Hari Singh Gour referred. It was by building up these conventions that he thought that the progress within the Act could be made, and it is a matter of extreme regret to us on this side of the House that instead of building up these conventions in the way in which not only Lord Peel but Mr. Bipin Chandra Pal advocated, this House is doing its best to prevent those conventions from being built up.

I am quite sure that when Mr. Bipin Chandra Pal resiled yesterday from his declaration of principle in February, 1925, he was acting under a misapprehension. He thought, indeed he said it in so many words, that it would make no difference to any one if Members of Council were marooned as it were in Simla or Delhi. He said that the expenses to which this grant relates are the expenses for taking the Members of the Executive Council to and from Simla. That is an entire misapprehension as my Honourable friend, Sir Basil Blackett pointed out yesterday. The expenses of our going to Simla form a very small proportion of these tour expenses. The grant is intended to enable Members of Council to travel all over India and get into touch with people whom they ought to see if they are properly to discharge their duties, and I appeal to any

business man in this House, especially my Honourable friends on the European Benches, whether the business community of this country would relish it if any restriction were placed by this House upon tours by Sir Basil Blackett, by Sir Bhupendra Nath Mitra or by myself. (*An Honourable Member*: "Are you really accessible to Indian opinion?") That is the best way in which we can discharge our responsibilities, and we tour periodically to important centres of India in order to discuss matters of the greatest importance to the country with people who are chiefly interested. I ask Mr. Bipin Chandra Pal to consider whether it would be wise that he should do anything which should stop us from doing that. As I have said, I am perfectly sure that if Mr. Bipin Chandra Pal had rightly apprehended this grant he would not have made the speech that he made yesterday.

But, Sir, I am not concerned with the inconsistencies of Mr. Bipin Chandra Pal. I should like to pass on to a much more important point. Mr. Bipin Chandra Pal said, "What do we want? We merely want a re-examination of the problem. We want an examination only." Those were his words. That is a very great change from the demand made in Simla in the September Session, and I should like to assure Mr. Jinnah and Mr. Bipin Chandra Pal that we in this House appreciate that change very much. The demand that is put forward now by Mr. Jinnah and Mr. Bipin Chandra Pal for the earlier appointment of the Statutory Commission is a demand with which we on this side of the House can have much more sympathy.

**Mr. Bipin Chandra Pal** (Calcutta: Non-Muhammadan Urban): Then why not accept it?

**The Honourable Sir Charles Innes**: The Honourable Member asks me why we should not accept it. The Honourable Member has asked for the earlier appointment of the Statutory Commission under section 84A of the Government of India Act. Let me just read to the Honourable Member what exactly the Statutory Commission has got to do.

**Mr. M. A. Jinnah**: To take away the Assembly.

**The Honourable Sir Charles Innes**: Section 84A (2) says:

"The persons whose names are so submitted, if approved by His Majesty, shall be a commission for the purpose of inquiring into the working of the system of government, the growth of education, and the development of representative institutions, in British India, and matters connected therewith, and the commission shall report as to whether and to what extent it is desirable to establish the principle of responsible government"

(*Mr. M. A. Jinnah*: "It does not exist now:")

"or to extend, modify, or restrict the degree of responsible government then existing . . ."

**Mr. Bipin Chandra Pal**: We knew that you could go back. Go back if it is necessary.

**The Honourable Sir Charles Innes**: Then again that Commission undertaking that all-important inquiry will be governed by those famous paragraphs in the Preamble to the Government of India Act to which my Honourable friend, Mr. Jinnah, takes such exception . . .

**Mr. M. A. Jinnah:** I have never taken any exception.

**The Honourable Sir Charles Innes:** I beg the Honourable Member's pardon. He takes exception to our repeating them in this House. That being so, I think I had better repeat those words once more.

**Mr. M. A. Jinnah:** On the contrary I had said that the Preamble is of no consequence in a Statute. Why repeat it?

**The Honourable Sir Charles Innes:** The Honourable Member says that all this reference to the Preamble of the Government of India Act is a parrot cry. It is not a parrot cry, nor is it a formula as the Honourable Member also called it. Co-operation is—and this is the point which I wish to make most clearly—one of the conditions that govern the whole problem, and the Statutory Commission when it comes will be governed by that condition. And whose fault is it that we constantly bring in this condition to the notice of this House? Is it our fault that every Session of this Legislature, since the second Assembly began to sit, this constitutional debate has been brought up? Even Mr. Jinnah, polished orator that he is, was entirely unable to say anything new yesterday and I can say the same of Mr. Bipin Chandra Pal. If every Session Honourable Members will bring up this question we must as often refer them to the Preamble of the Government of India Act.

**Mr. M. A. Jinnah:** Is there any mention in the Preamble or in any particular section that the Swarajists should co-operate before an advance could be made?

**The Honourable Sir Charles Innes:** I do not catch the Honourable Member. Then several Honourable Members asked us a pertinent question. They said, "What do you mean by co-operation?" Mr. Bipin Chandra Pal said, "You want the co-operation of slaves with masters." I make bold to say that that statement is entirely incorrect. We have never objected in this House to reasoned criticism of any action of the Government: on the contrary, we have welcomed it and we will welcome it still.

**Mr. Bipin Chandra Pal:** And you have defined reason according to your own ideas.

**The Honourable Sir Charles Innes:** Mr. Rangachariar said to me, "Have I not co-operated?" If there were 318 million Rangachariars in India—it is an awesome thought,—I admit that the problem would be shorn of most of its difficulties.

**Diwan Bahadur T. Rangachariar** (Madras City: Non-Muhammadan Urban): No country can produce that.

**The Honourable Sir Charles Innes:** I will even say, that if there were 159 million Rangachariars and 159 million Jinnahs the problem would be shorn of most of its difficulties.

**Mr. M. A. Jinnah:** You would not be here then.

**The Honourable Sir Charles Innes:** But what is the use of making debating points of this kind? I should like to restate without any bitterness at all the position that Government have always been compelled to take up in this matter. In 1919 the Government of India Act was

passed. I think everybody will admit that whatever defects there may be in this Act, and no one on this side of the House has denied that there are defects in the dyarchical system, all we have claimed is that given good-will and co-operation that system is workable, workable as a transitory measure. Whatever be the defects, every fair-minded man will recognise that that Act represented a notable advance in the solution of a very difficult problem. It was a really generous advance, and it was an advance which ten years ago not one of the Honourable Members of this House would even have thought possible, and yet what was the response that we got? The British Parliament had made this very generous advance to the people of India, and the response we got was first the dangerous non-co-operation movement. The response we got was the boycott of the first Councils. Then, Sir, the non-co-operation movement spent itself. It failed, and the Swaraj Party, whose absence we all regret so much, came into this House with the avowed object of persistent obstruction within this Council. Then only in July last a Conservative Government made the most generous gesture of advance towards this House. What was the response? Their offer was flung back in their face by the Resolution of September last. And finally, Sir, only a few days ago the most numerically important party in this House walked out. Now, Sir, I do not want to rub in these facts, and I am not speaking with any bitterness. I am speaking of what has passed and I am not referring to the future at all. But I do ask any fair-minded man in this House to consider for himself what sort of record is that for a Government which is bound to look, as one of the conditions of the problem, for reasonable co-operation before further advance can be made. That is the answer that I must give to Mr. Bipin Chandra Pal.

May I also take this opportunity of referring to a statement of my own which has, I understand, caused considerable excitement on the other side of the House. Speaking at the end of the railway discussion, I had great pleasure in telling this House that in so far as railway and commerce matters are concerned, not only this Assembly but the other Assembly had co-operated with me. Only three days later I had to revise that statement. But I still say that though the Assembly has passed many Resolutions on questions relating to commerce and railways of which I disapprove, yet when they treated commerce and railway matters on their merits, they did give me great assistance. I was then referring only to those two subjects, commerce and railways, and I did not refer in any way to politics at all. Now, Sir, if that statement will give my Honourable friend Mr. Rangachariar any pleasure he is welcome to it. But I should like to tell the House what followed upon that statement. I mention no names at all. When I had sat down after making that speech, two prominent members of the Swaraj Party came across and said to me "Sir Charles Innes, you have admitted co-operation with us. We shall get Sir Basil Blackett to admit co-operation with us and we shall get Sir Alexander Muddiman to admit co-operation with us and then all will be well". I think, Sir, that throws a flood of light upon the mentality of the Swaraj Party. It is perfectly true that within two or three days the Swaraj Party had walked out, but, Sir, who shall say with what searchings of heart they did walk out, and what divided counsels there were in the Swaraj Party? I have not the slightest doubt myself that many members of the Swaraj Party bitterly regret the mistake they made, and more than

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that I believe I am correct in saying that many members of the Swaraj Party recognise that during the last five years they have followed throughout a wrong and misconceived policy. The trouble is that one false step has led to another until it is difficult for them to retrace their steps. But I am quite sure that if we could rewrite the history of the last five years many of the prominent gentlemen who belong to that party would come in like Mr. Rangachariar and others and do their best to work this constitution, defective though it may be, instead of standing outside and trying to obstruct us at every turn. Mr. Bipin Chandra Pal said that non-co-operation had spent itself, and he believed that the Swaraj movement would spend itself also. I believe that too. I believe that the tide has now turned. I believe that the members of the Swaraj Party are beginning to realise their mistake. What I appeal to Honourable Members in this House is that they should not in any way identify themselves with the methods which have been pursued by that Party. I know, Sir, that Mr. Jinnah's proposition is an attractive proposition to some. I am glad to recognise that Mr. Jinnah, Mr. Bipin Chandra Pal and Mr. Baptista have not put forward as the reason for the action they wish us to take any statement such as "grievances before supplies". All they say is this. We want to show that we are anxious to have a further advance and we think that this is the most emphatic way in which we can show it. Sir, I agree that to some it is an attractive proposition. But I also believe that it is an unsound proposition, and I believe that the right thing for Honourable Members in this House is at the present time to resist such political manoeuvres and to refrain from unsound methods of this kind. The Honourable the Home Member has told you that he is looking for the sign of the dawn. I believe that he would get that sign if my Honourable friends opposite would withdraw this motion and refuse to identify themselves with methods which, I make bold to say, have been wholly discredited. I appeal to all Members of this House, if Mr. Jinnah will not withdraw, to reject this motion

**Colonel J. D. Crawford** (Bengal European) It was not my intention to intervene in this debate, for my Honourable friend Sir Darcy Lindsay has said all that there is to say on behalf of the non-official European group; but the further appeals made to us by Sir Hari Singh Gour, Mr. Bipin Chandra Pal and Mr. Baptista necessitate, in my opinion, some answer, and they afford me the opportunity of developing one point which to my mind has been overlooked and is a point of very great importance. Before I turn to that point I would like to thank the Home Member for the very sympathetic way in which he has replied to the request of Mr. Jinnah. I personally have never been one of those who have been enamoured of this talk of "the open door". My feeling is that either here you have an Act which is capable of development and affords ample opportunity for progress if worked in a reasonable manner or the Act is fundamentally faulty in construction and therefore should be changed irrespective of other factors, and it has been difficult for me to understand how it is that the Government of India have not made up their mind on this subject one way or the other. To many of us it seems that much of the trouble and much of the difficulties with which we are faced to-day arise from the opportunity afforded by the Government of India Act itself and by these suggestions of the open door to divert the attention of electors and their representatives from the important



social and economic problems with which India is faced and invite them to concentrate their attention on this constitutional question. Had it not been for the fact that a definite period was stated in the Government of India Act we might have seen a far greater development of real political progress in this country to-day than we have done. I am anxious to pay a very real tribute on my part to Mr. Jinnah and his Party in this House and to those representatives in the first Assembly and their supporters in the country who have in the face of much unpopularity and continued pressure stood staunchly by constitutional methods. I do not in any way wish to limit my appreciation, and I am sure the appreciation of my colleagues, of the co-operation which they have always accorded. I am one of those who believe with the Home Member that the reward for that work will in due course be forthcoming from the country. And in spite of what is said elsewhere, my constant watching of the political situation in India leads me to believe that in the forthcoming general election there will be a large sense of appreciation shown by the electorate throughout India of the work which my Honourable friends have done; and I sincerely trust that they will come back in larger numbers to continue the policy which they have held hitherto. I feel that if that is the case, as my Honourable friend Mr. Darcy Lindsay said, we Europeans will be only too ready to reconsider our attitude as it is to-day.

My Honourable friend Sir Hari Singh Gour and Mr. Bipin Chandra Pal have charged Sir Darcy Lindsay and the European non-official Members on these Benches with having gone back on the liberal outlook which was displayed by the European representatives in the first Assembly. I know my friends opposite believe that if we are not inimical to India's aspirations at least we are intentionally conservative. Sir, let me emphasise the fact that we are not inimical in any way to India's political aspirations, and if I may prove to my friends that we are really and genuinely in sympathy with the desire to see India progress politically and economically, I will do so. There are many who will say that the European Association which I have the honour to serve is one of those "die-hard" bodies. That is a charge which is often brought against it. Now what, Sir, does that body put forth as its political faith? What are three of the important points which it says are the political creed of the non-official Europeans in this country? The first is that their desire is "the fostering of a relationship of cordiality and co-operation with those Indians who are working constructively for the good of India"; and it says that the following considerations will govern the actions of the Council of that body: and the first two are these, "the maintenance and promotion of ties strengthening the position of India as an integral part of the British Empire", and secondly "the wisdom of assisting the political and economic development of the country in which we live with due regard to the benefit and contentment of its various peoples". Those, Sir, are expressions which I think genuinely show that we are desirous of assisting India's political progress, that we are prepared to assist all those, like our friends opposite, who are working constructively for the good of India.

**Mr. K. Ahmed** (Rajshahi Division: Muhammadan Rural): What about your vested interests?

**Colonel J. D. Crawford**: My friend Mr. Kabeer-ud-Din Ahmed says, "What about our vested interests?" Sir, I think we all have vested interests in this country. The European community has very considerable

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stakes in this country, and it is the fear that those perfectly legitimate stakes may be endangered, from remarks that are at times passed in this House, that is inclined to make the community cautious in coming forward. In view of those statements, Sir, it is therefore a matter of regret to me personally that to-day, when for the first time this little non-official European group finds itself in this House in a position to throw the scales one way or the other, that we are unable to give our vote to Mr. Jinnah. (*An Honourable Member*: "Shame.") (Laughter.) We do so, Sir, out of the entirely honest conviction that the time has not yet come for the appointment of a Royal Commission. That is our conviction as it stands to-day and that is the reason we cannot, holding that conviction, go, as many of us would like to do, with our friends into the lobby.

**Diwan Bahadur T. Rangachariar**: When will it come please? In 1959?

**Colonel J. D. Crawford**: And this, Sir, brings me to the point which I wish to emphasise. My Honourable friend opposite asks me when we will come. Well, Sir, there is one remark which fell from the lips of my Honourable friend Mr. Baptista which seemed to me to show that the time cannot be very far off when we will be coming. He called us for once, "Birds of Paradise"; and I felt that I was clothed in that wonderful plumage and had but to open my wings and fly into my Honourable friend's lobby. (Laughter.) But the fact underlying that remark is the most essential factor to the advance of India. We are accustomed in this House to be told that we are "robbers, thieves, blackguards". It comes from the lips time and again of irresponsible Members; and when Members opposite say, "Why will you not come into the lobby with us?" we might say, well when we go back to our constituencies they say to us, "Did so and so say that about you in the House, and do you mean to say you chatted with him in the lobby afterwards? We cannot understand the mentality of a man who is called a thief and a robber and then goes and has a cup of tea with the man who has called him that". That is the position that we are faced with in our constituencies. Remarks of that nature are doing much harm to our joint advance together. It is remarks such as Mr. Baptista has made, that we are Birds of Paradise, that will bring us together. (Laughter.) (*An Honourable Member*: "You want compliments.") That, Sir, is to my mind the great point. My friend Mr. Muhammad Yakub has mentioned it; my friend Mr. Baptista has mentioned it again. We desire to develop amongst not only the British and the Indians but amongst all communities a real feeling of goodwill and trust in one another. That is the surest method of advance, and all those who use these bitter words, either in this House or on a public platform or in the Press, be they European on the one side or Indian on the other, are putting off the day when we can really get towards Swaraj; I do implore my Honourable friends there who have done so much to work the constitution that they will always check such unworthy sentiments and that together we may work for that real atmosphere of goodwill and co-operation between all communities which alone will bring us to our goal. (Applause.) You may appoint a hundred Royal Commissions but they will do no good unless you can get the people themselves to work together and work for advance. I feel sincerely that the question of the earlier appointment of a Royal Commission is not one that really matters. But if to-day we as a community and other communities were relieved of the constant threats against minorities—if we could hear kind words instead of hard words, then . . .

**Diwan Bahadur T. Rangachariar:** May I ask my Honourable friend, does he really believe in those threats? Has not the action of this Assembly during the last five years vouchsafed that safety which he wants?

**Colonel J. D. Crawford:** I am asked if I believe in those threats. I believe that many of the remarks made from the opposite Benches are due to the exuberance of youth more often than not. But that is not the effect that they are inclined to have on persons outside the House who elect us as representatives here. I again emphasise my honest belief that if we could only get co-operation amongst ourselves, then we would not only have the solution of our difficulties here in India but the solution of the problem which faces the world to-day, the adjustment of difficulties between the various races of the world, so that we may live in peace and progress constantly. (Applause.)

**Pandit Madan Mohan Malaviya** (Allahabad and Jhansi Divisions: Non-Muhammadan Rural): Sir, I was sorry to hear in the course of the debate two of my friends on this side of the House belittle the Congress and its influence in the country. I am sure they did not intend to cast any serious reflection on the Congress and that it was an unfortunate expression of opinion which . . . . .

**Mr. Bipin Chandra Pal:** A word of explanation, Sir. I never said one word in depreciation of the Congress. What I said, and I hold still and will always hold, is that the Congress has no right to give any mandate to a Member of this House.

**Pandit Madan Mohan Malaviya:** Sir, I entirely agree with my friend that he is entitled to express the opinion that the Congress is not entitled to give a mandate to a Member of this House. That is a proposition which may be debated, but what I took objection to and regretted was the remarks which went to show that the Congress had lost all its influence in the country and that its membership was confined to the number of a few thousands, and it is that which I took exception to. I wish to say that the influence of the Congress in the country should not be judged merely by the numbers on its rolls at the present moment. The Congress stands in this country for only one policy, namely, the policy of the early establishment of responsible Government in this country, and on that point I venture to say that all educated Indians are of one mind. We differ from the present Congress Executive and the policy which they pursue. I have my strong differences with them. But I wish everybody to understand that the country as a whole is of the same mind which the Congressmen at present in office express, namely, a strong, a keen and an undying desire for the early establishment of responsible Government in this country.

**Mr. Bipin Chandra Pal:** By civil disobedience.

**Diwan Bahadur T. Rangachariar:** They have dropped it.

**Pandit Madan Mohan Malaviya:** I had hoped my Honourable friend, Mr. Bipin Chandra Pal, was cured by this time of the dread of civil disobedience. I will not spend any more words on it.

The second point I come to is the attitude which the Government Members have adopted in this debate. The Honourable the Home Member in a very sympathetic mood expressed his differences from those who have spoken in support of this motion. So also the Honourable Sir Charles

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Innes has said that it is not in any spirit of bitterness that they approach this question, that it is not in any spirit of unreasoning opposition that they oppose this proposal, but that they honestly feel that the interests of India will not be served by persisting in the attitude implied in the motion of my Honourable friend, Mr. Jinnah. They expressed, both of them, a strong desire that there should be greater co-operation and goodwill shown by Indians. The Honourable Sir Alexander Muddiman said and there was a note in his speech which touched the hearts of some of us—that he did not mean to treat lightly the proposals that came from this side of the House: he opposed the motion because he honestly believed that those who had put them forward were mistaken, and he justified the attitude of the Government because he said that there was an absence of that amount of co-operation which the Government considered necessary. He described himself as a watchman, and he said he did not see the beacon light, otherwise it would be his happiness, his privilege, to report that darkness had been dispelled and light had dawned so that the Royal Commission might come to this country. Now, Sir, I ask my Honourable friends on the Government Benches to consider whether we Indians as a body, or Swarajists in particular, are alone responsible for the absence of that amount of co-operation which my Honourable friends on the Government Benches desire. I wish, Sir, that they would examine the situation dispassionately and calmly. May I remind my Honourable friend, the Home Member—because he certainly was present here in 1918—of the Conference which was held in this very House under the presidency of Lord Chelmsford in 1918 when the Princes of India and the representatives of all sections of the Indian public met here in response to the appeal of His Majesty's Government to make a stronger, a greater effort in the matter of recruiting for the Army and helping the Government in other ways in carrying on the War? My friend certainly will remember in what spirit the Princes and the representatives of the people met. My friend will remember that there was no desire in any heart except the desire loyally, honestly, earnestly to co-operate with the Government in that crisis; and, Sir, I would then ask my friend to remember what came in 1919. It is unfortunately necessary to recall these facts in order that we should judge fairly and impartially whether the blame lies on only one side, or whether it should not be distributed on both sides. I do not wish to dwell at length upon the incident of the enactment of the Rowlatt Act when all the Indian Members of the Legislative Council were opposed in a body to the passing of that Act. I do not wish more than to refer to the incidents of the martial laws in the Punjab. I wish merely to remind you that the Government appointed a Committee to inquire into the administration of the martial laws, and that by the verdict of that Committee the complaints of the people about the excesses which had been committed under those laws were fully established. I come, Sir, to the year 1920. Finding that the Government had not responded sufficiently to the call for redress made in respect of the Punjab wrongs and in the matter of the Khilafat, Mr. Gandhi launched his non-co-operation movement. It was the result of the attitude which the Government had adopted. The Government should not forget that fact. We come then to 1921. We know what unfortunately happened that year. We know the unfortunate incidents that took place in Bombay; but those incidents need not have led to the extension of the Indian Criminal Law Amendment Act to various provinces. Under that extension my

Honourable friend will remember that nearly 25,000 persons or about that number were put into jail. Men, highly educated and most respected among the Indians, were put into jail. My friend Pandit Motilal Nehru was among the number, and my friend, the late Mr. C. R. Das, was also among the number. I cannot name all who were thus made unjustly to suffer. The Government continued that policy for a long time. The Government kept up that policy of not merely non-co-operating with the people but a policy of repression of the people. In 1922, Mahatma Gandhi, the most respected Indian of his time, was put into jail. Now, Sir, did not these circumstances combine to create a feeling, were they not calculated to strengthen the feeling, of regretful non-co-operation with the Government on the part of Indians? We then come to 1923. The Government found that the men who joined the first Assembly in the teeth of the opposition of their own countrymen did co-operate with the Government to the best extent they could. Their co-operation elicited more than once from the then Home Member, Sir William Vincent, an expression of appreciation of their attitude. The Government were inclined at that time to recommend to the Government in England that the question of an earlier extension of the Reforms should be considered. But that attitude disappeared shortly afterwards. A new Assembly came in in 1924. Who came in? Many men who had kept back on the first occasion, men who thought that the system of dyarchy which had been introduced was very unsatisfactory, men who were in principle entirely opposed to the system, still came in, and came in with the desire to mend the system or to end it, with the desire either to have it improved or to have the system as it existed destroyed. Was it a crime to do so? Is not that language known to politicians all over the world, that when you want to improve a system, you do talk of either mending it or ending it, of destroying the old system so that a new system might be substituted for it? That was the object with which these gentlemen came in. And who were they? Many of them men who had suffered imprisonment most unjustly for various periods of time, men who were among the most educated, several of them among the most esteemed of Indians. Such were the men who joined the Councils, the Legislatures all over the country. And what was the first act, the first important act which they resorted to? I do not wish to take up the time of the House by going through all the details. There was a demand put forward in February 1924. That demand was not the demand of only one Party. It was not the demand of the Swaraj Party; it was not the demand of the Independent Party. It was a joint demand of all Nationalists in this Assembly, in fact practically of all Indians who were free to record their vote in favour of any proposition which helped the people. Now, that demand, I submit, indicated very clearly a desire for co-operation with Government, and the speech delivered by my Honourable friend Pandit Motilal Nehru in putting forward that demand could not have been delivered in a better spirit of co-operation than it was. You remember, the House will remember, Sir, and Pandit Motilal Nehru reminded the House of it the other day, that he had said to Government "If you accept our proposal, I am your man; I offer co-operation if you will accept it". And the co-operation that he offered was not offered on impossible terms. What was it that the demand asked for? It did not ask that the reforms we desired should be introduced all at once. It did not say that full responsible Government should be established there and then in this country. All that it urged was that the Government should take steps to call a Conference at which the question

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should be fully examined, at which all sides of the question should be examined, and representatives of all important parties in the country could be heard as to what they thought was best in the interests of the country as a whole. That was all that that demand asked for. The response of the Government to that demand, Sir, is very well known. It was not adequate. A Committee was appointed; a Committee did examine the question in a very limited form. There was a Majority Report and a Minority Report. It was open to the majority to differ and it was open to the minority to differ each from the other; they did differ. When the Government brought forward a proposal that effect should be given to the report of the majority, with which the people's representatives in this House did not agree, what did we do? We put forward another proposal, a carefully considered proposal, which embodied the principles which we desired should be considered, examined and embodied in the next Reform Act; the Resolution of the 8th of September, 1924, incorporated those principles. Those principles were put in in a Resolution, because that was all that we could do on the occasion, and as my Honourable friend Mr. Jinnah reminded the House yesterday it was done in distinct response to the utterance of Lord Birkenhead, who had invited us to show if we could help in constitution-making. Constitution-making, Sir, we did not undertake, because we had not the power to amend the Government of India Act, but we had it in our power to indicate the principles which we desired should be embodied in the new Act; and that, I submit, was a real contribution in co-operation, honest, earnest, honourable co-operation; it was as much of reasonable co-operation as the Government could reasonably expect.

**The Honourable Sir Charles Innes:** Not a comma to be altered.

**Pandit Madan Mohan Malaviya:** I think, Sir, the Honourable Sir Charles Innes is far too old an officer and man of experience seriously to mean that that stood in the way of the Government accepting the proposal. I think, Sir, my Honourable friend knows—he himself sometimes makes very witty remarks,—he knows that every word that is uttered in a debate is not to be treated with equal seriousness. At any rate, without any disrespect to him, I do not treat all that he says with equal seriousness. I would be doing him an injustice if I thought he really felt that that was the bone, that the comma was the bone, which stuck in his throat, and that but for if he would have accepted the proposal contained in the Resolution of this Assembly. I should be very happy if the case was really otherwise, for then, even without consulting my friends of the Swaraj Party, I would venture to agree, and we would persuade our friends and the country generally to agree, to remove that comma and any other similar commas. Now, I ask, Sir, the Government Members to consider what is the real position. Have they done all that they could on their side to make it possible for us to offer greater co-operation? Can they suggest anything more that we could have done in the way of real co-operation? When it was urged by Mr. Jinnah or some other friend that Government measures had received support from this side, and that the Honourable the Home Member could not mention any Government measure which had been opposed by this House, any measure of importance which the Government wanted to pass, the Honourable the Finance Member had ejaculated "What about the Finance Bill?" The Finance

Bill of 1924 was of course rejected by this House, and if it was a sin to reject it I was the greatest sinner, because the idea originated with me. But I beg to tell the House that I do not feel repentant up to this moment. I feel that it is perfectly legitimate for this House, as it would be for the Members of the English House of Commons, to express our disapproval of the financial and executive administrations of the Government in the strongest manner we can within the constitution by opposing a Finance Bill. It was a step quite within the constitution. We gave our reasons for rejecting the Finance Bill. I will not detain the House by dwelling again on those reasons; but I will say this, that if the taxation which had been put up so high during and after the war should still be maintained, if taxation should continue to be maintained at a higher level than we honestly believe it should be, if the Government should not reduce expenditure to the extent we think they should, if the Government should not minister to the needs of the people, industrial and other, to the extent they should, if the Government would not respond to the call of the people for greater Indianisation of the services, if the Government would not open all the departments of the Army to Indians, if the Government would not take the necessary steps to prepare Indians, to train Indians, to take their proper share in the defence of their country, in the service of their country and their King, the representatives of the people would be justified in opposing the Finance Bill as we opposed it; and if it becomes necessary to do so, I think every one of us would be prepared to oppose the Finance Bill again under those conditions; and unfortunately those conditions have not been very much altered, though. I recognise, that in some matters the Government have somewhat moved forward. I submit, Sir, that the rejection of the Finance Bill was meant to draw the attention of the Government here and even more, of the Government in England to the extraordinary situation in which we Indians found ourselves. Is there a country in the world where the people labour under such high taxation, where the taxation is so disproportionately high to the average national income? Is there a country in the world where the representatives of the people, elected by the people, are denied a voice in determining how the great bulk of the taxes, which are raised by their voices, shall be administered? I submit there is not; and that being so, we were justified, it was a duty we owed to our country, that we should record our protest against the action and attitude of the Government in the very effective manner in which we did. Sir, I submit that even that action of ours was one of co-operation, honourable co-operation, not slavish co-operation, to help the Government by the pressure of our honest opinion to do their duty rightly by the people, because I submit when we decided to join the Assembly, every Member who decided to join the Assembly or any other Legislature, decided to co-operate with the Government; when a Member took the oath of allegiance to the King-Emperor, he decided to co-operate with the Government, he decided to co-operate as an honourable man, as a free man. And we have all done so.

**Mr. President:** Order, order. This House now stands adjourned to ten minutes past two.

The Assembly then adjourned for Lunch till Ten Minutes Past Two of the Clock.

The Assembly re-assembled after Lunch at Ten Minutes Past Two of the Clock, Mr. President in the Chair.

**Pandit Madan Mohan Malaviya:** Sir, I have submitted that this Assembly has offered as much reasonable co-operation as it could to the Government, and I submit that the plea that the Government will not take any further step towards constitutional reforms because the amount of co-operation offered has not been reasonable is utterly unjustifiable. I submit, Sir, if my friends on the other side were to put themselves in our position, how would they like it? I should like them to contemplate what their feelings would be if they were in our position and we were in their position. I think it was Lord Morley who once said that an administrator should try to get into the skin of the people with whom he has to deal. Will the Honourable Members on the Government Benches consider what in a similar situation their feelings would have been if they had acted as we have acted and if they had been met with the replies that we have met with.

**Diwan Bahadur T. Rangachariar:** They would have broken our heads.

**Pandit Madan Mohan Malaviya:** Yes, they would have broken our heads. Perhaps they would have done so. I ask what their feelings would have been if they were in our position, if they were as resourceless as we are, and if the might and power of the Government was all entirely in the possession of those who had the upper hand over them? I should like them to look at the question from that point of view. It will not help the Government, it will not help the cause of good government, if our friends will continue in the attitude which they have adopted. The Honourable Sir Charles Innes had said that the co-operation which had been offered was more than counterbalanced by the dangerous non-co-operation movement which was started afterwards. I have already explained how that came in, and I submit that two parties were responsible for that movement having come into existence, of which the Government was one. And, if the effects of that movement are to be obliterated, if the feelings which that movement generated have to be removed, the Government have to play a very important part in bringing this about. If the Government will not play that part, if they will not do their duty, and go on blaming those who were opposed to them by repeating again and again that they have not offered that amount of co-operation which the Government desired, I submit that they will not improve their position before the Indian world or before the civilised world. The Honourable Sir Charles Innes also thought that there was a change in the attitude of the Assembly indicated by the speeches of the Honourable Mr. Jinnah and the Honourable Mr. Bipin Chandra Pal. I submit he is mistaken. The demand that was put forward as the united demand of Swarajists and Independents or of the Nationalist Party stands where it did. The suggestion that the Government might appoint a Royal Commission is merely one of the solutions which is possible. But the point of complaint was that the Government have not shown any readiness to meet the wishes of the Assembly even by appointing such a Commission as is contemplated under section 84A of the Statute. If the Government think that this is the best form in which the inquiry should take place, then they have to bear in mind what Mr. Jinnah very carefully added that the composition of the Commission should be such as would command the con-



fidence of the Indian public. That is not an extravagant demand. The whole question therefore is: Do the Government desire that the present state of feelings which exist between educated Indians and the Government should change or do they want that it should continue? Here you have the educated Indians throughout the country united on one demand. You find that everywhere the same demand is made whether it is the Swarajist camp, or the Independent camp or the Liberal camp or any other camp. Every political party has put forward the demand for the earliest establishment of responsible government in this country. Will the Government ignore it? How long will they? And what will be the result? Do the Government think that the position which they have taken up at present is the best in the interest of a long-lasting unity between Indians and Englishmen? I do not think that anybody suggests that the connection between England and India is going to cease at an early date. At least we, on this side, do not contemplate an early cessation of this connection. And, if this connection is to continue, is it desirable that the existing bitterness of feelings should be allowed to continue? If not, how long will substantial reform be delayed? It is obviously extremely desirable that the feelings between the Government and the people should be very much improved. And what are the means which should be adopted for it? Will the Government improve the feelings between the Government and the people by continuing to ignore or to treat lightly the united demand of educated Indians throughout the country. Some may adopt one course, others may adopt another, but they are united in their demand. And let me here say a word as to the course adopted even by my Swarajist friends. I submit, Sir, that even those who disagree with them, even those who, like me, think that they have not adopted the right course, must admit that the fact that 40 or more Members of this Assembly should have decided to walk out of this Assembly and that a number of highly educated men who wish well of their country and wish to serve it according to their lights have by concerted action retired from the Legislatures throughout the country, is a fact of serious import. It certainly shows that the present system of Government calls for an early reconsideration. We are all anxious that the Government should adopt a reasonable attitude towards us, and we on our part are anxious that our attitude should be similarly reasonable. Differences must exist between men and men, and we are anxious that all our differences should be considered at a round table conference, at which we may be able to see the Government point of view and the Government may be able to see our point of view better than they do at present. If the Government continue to meet us only with a "No" to our united demand, and to function as they do at present with the powers they possess, what is the duty cast upon this House, what is the duty cast upon Members who come here to represent the people in this House? We clearly must place on record our protests against the existing system. That system is represented by the Executive Council of the Government of India. This motion is therefore brought forward to record our constitutional protest against the system. We feel that it is not the right system, we feel that it ought to be changed, that there should be an element of responsibility introduced in the Government of India; that the members who wield all the power of Government should be responsible to the elected representatives of the people in this House. We do think—we may be wise or unwise, right or wrong—but let me assure my Honourable friends, we honestly think that we can improve the administration very much if the Government Members will become responsible to the elected representatives of the people. Is

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that such a revolutionary change that the Government must oppose it? Will any Honourable Member on the Government Benches say that in any important matter that has come up for discussion they have found Indian Members to be unreliable? Will they not admit that we have debated all the questions which have come before us on their merits, that we have tried to put our own views and have tried to understand the views of the Government? If that has been the normal state of feeling which has existed in this House, who can say that if the Government Members will become responsible to the elected representatives of this House the administration of India will not be carried on much better than it is at present? That there is much room for complaint is beyond question. In every matter where we wanted improvement, Government have moved very slowly. In the matter of the Indianisation of the services what has been done is not sufficient. We do not merely want that our young men should be put in responsible positions. We also want institutions created to give them the necessary training to fill those high positions. We want suitable and sufficient opportunity given to Indians to train themselves for the defence of the country. When we find a sober and esteemed man like my friend Sir Sivaswamy Aiyer, who has all along co-operated with the Government, complain of the most inadequate admission of Indians into the Army, I think Members of Government ought to feel that there is something very wrong in the attitude they have adopted. In this question as in others, for instance, on that relating to the encouragement of indigenous industries, we have much reason for complaint. The Government recognised before the War, and more so during the War, that the industries of this country ought to be developed. The dangers of India being isolated during the time of war were realised by the Government. A Commission was appointed which recommended many useful measures. How few of those recommendations have been carried out? How many recommendations remain still unattended to? The country is not growing in wealth, unemployment is growing to a distressing extent. After twenty or more years of education in Government and other schools, colleges and Universities a large number of our young men are not able to find employment. Trade is not flourishing. Industries are not growing and flourishing. I am sure that my Honourable friends opposite, who are where they are because of the Education they received, will admit that if such a serious state of things was found in England there would be a terrible cry raised throughout the country and in Parliament, and Parliament would have to legislate or adopt other measures necessary to improve the situation. Occasionally the Government have taken some steps in some directions, but I submit that what has been done is very little. A vast deal more requires to be done. And I express the considered opinion of most educated Indians when I say that the pace of progress would be tremendously accelerated if members of the Government would become responsible to this House. It is our conviction that this absence of responsibility is a serious drag upon good administration. Not only are our recommendations disregarded in matters where vital changes are necessary, but even in ordinary affairs the recommendations of this House have not been given effect to. Sir Sivaswamy Aiyer has already referred to the complaint regarding the expansion of the University Training Corps. The Government took a wise step when they introduced the University Training Corps. University students have been longing to get permission to be admitted in large numbers to the Corps. But when

you find that out of 2,000 students only 74 or 150 are admitted to a training corps and the rest of them have to wait and wait for years because the Government have not sanctioned an increase, I ask the Government to consider what will be the feelings of those students. They want to train themselves; they want to be trained to serve their country and their King, and is it right of the Government to make such delay in responding to that appeal? I might also refer to the administration of justice. What has been the action of the Government in two provinces which is partly responsible, I submit, for the attitude shown by my friends of the Swaraj Party and by some of us who have spoken on this present motion? In Bengal you have had so many educated men deprived of their liberty. Again and again it has been urged that the Government should bring them to trial. We do not want that those who may be really criminals should be allowed to go scot-free. We want that those against whom any guilt is established should pay the penalty of that guilt, but we do feel that it is a wrong that so many men should be deprived of their liberty and for such a long time without being brought before a court of justice. Let me also refer to a case relating to the Punjab. Two years ago, when the Honourable Sir Malcolm Hailey was the Home Member, a Resolution was put before this House recommending the release of Sardar Kharak Singh, *ex-President* of the Shiromani Gurdwara Probandhak Committee, one of the finest men I have known in my life, a man most esteemed throughout the Sikh world. Sardar Kharak Singh has been going without any clothing except his *kachch* for over two years now I think, because a foolish rule was introduced in the Jail. He was a political prisoner and he and his fellow prisoners were allowed to wear their own clothes. He therefore wore his Akali turban. One day an order was passed by the jail authorities that he should put aside his turban, and that those who wore Gandhi caps should also put aside their Gandhi caps. He resented the order and as a protest he put aside all clothing, except a bare *kachch* on his loins. The order was subsequently changed, and he was told that he might put on his turban, but the order prohibiting the use of the Gandhi cap still remained. He protested and said he could not put on his turban while his fellowmen, who were also political prisoners, were deprived of the freedom to put on their Gandhi caps. The matter was brought to the notice of the Government by a Resolution by Sardar Kartar Singh. Speaking in support of that Resolution, I laid the whole of the evidence of the case in which Sardar Kharak Singh had been convicted before this House. The Honourable Sir Malcolm Hailey said that he would ask the Punjab Government about the matter, but two years have passed and Sardar Kharak Singh, I am distressed to think, has still gone through all the cold of the winters of the Punjab without any clothing on his body. Last year also the attention of Government was drawn to this fact, and I should like to know from the Honourable the Home Member whether he has called upon the Punjab Government to explain why they have not taken any action in this matter. This is an isolated incident, but it is an incident of great importance, Sir, because it shows the attitude of mind which some of my Honourable friends in the Government adopt towards Indians and towards their grievances. For all these reasons I submit, that so long as the present system of Government will continue, such wrongs and grievances will largely continue. We therefore think that it is high time that the reforms we urge should be introduced and that they have long been overdue, namely, that the Members of the Government who are appointed to serve the people ought to be

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responsible to the elected representatives of the people. So long as this reform is not carried out, our duty is clear. We must record our protest, with regret but with a clear idea of the duty we owe to our people, against the present constitution of the Executive Council.

**Mr. E. Burdon** (Army Secretary): Sir, ever since I became a Member of this Assembly, about four years ago, my Honourable and very greatly respected friend Sir Sivaswamy Aiyer has been our most assiduous and most formidable critic of military expenditure and military administration, and I wish to acknowledge the very great pains which he has taken to study the military problems and the military organisation and military system of this country, and of other countries also, in order to make his criticism of the Government of India in this respect informed, reasonable and consequently effective. I confess with pleasure that it is largely due to his criticisms and also to his suggestions that we have elaborated the form in which the military estimates for next year have been presented, and that in the course of the last few years we have discovered a number of new means of affording to Honourable Members of this House and to the general public a much larger quantity of information regarding military affairs than was formerly at their disposal. In fact I regard what has been done in this direction as one of the "reforms" of that particular category to which my Honourable friend Sir Sivaswamy Aiyer attaches so much importance. My Honourable friend, I feel sure, takes it, to some extent at any rate, as an indication of the liberal attitude which the Government of India desire to adopt towards Members of the Legislature in presenting and discussing important military questions. But when I heard the speech which my Honourable friend made yesterday I felt very strongly, and I still feel, that in this instance his criticism is less generous than I should have expected from him, and that he has not done the Government of India all the justice which they deserve. I propose now to address myself to the task of demonstrating, by an array of facts which I hope will not be unduly tedious, that the charge which my Honourable friend has brought against the Army Department is not entirely justified.

I will begin, Sir, first of all by referring to that well-known theme, the institution of the Royal Indian Military College at Dehra Dun. The House has often heard from me and from successive Commanders-in-Chief a great deal about this school, and there are many Honourable Members who know a great deal about it at first hand; they have visited it and seen it in working. But it is necessary for me to bring forward again on this occasion the subject of the College because its institution and its successful development were and still are essential to the inauguration of the Indianisation of the Army, to use a phrase which I think combines in itself all the reforms which my Honourable friend, Sir Sivaswamy Aiyer, had in mind. Moreover, the Dehra Dun College not only represents the most important measure of reform, among reforms of this category, which the Government of India have undertaken in recent years, but it is also the best evidence of the difficulties which the Government of India have had to overcome in setting about the reforms in question. For it was found at a very early stage that the system of education generally prevailing in India was not adapted to the production of young men likely to make successful officers in the Army, and the Government of India themselves by official agency had to create a College

which, though for very good reasons of sentiment it is called a military college, is really nothing more than an English public school in which the system of education has been given a certain bias towards training for the Army. The college is still unique of its kind in India and private enterprise has so far not seconded the efforts of Government. Yet there is no doubt at all that the school has been markedly successful. It was of course started only four years ago and it has not yet had time to produce the first batch of boys who have gone through the complete curriculum. The value of the results which the College has already achieved, however, has been generously acknowledged—I will say that—has been generously acknowledged by many shades of public opinion in India and I should like to read to the House certain observations made by the Commandant of the College in his last annual report:

“Before closing this report I particularly desire to place on record my opinion that the foundations of a sound ‘tradition’ are undoubtedly being laid at this college. From the very first all members of the staff have fully appreciated the importance of building up such a ‘tradition’; but they have at the same time realised that this cannot be done in a day. With this object in view it has always been impressed upon the cadets that, however great the efforts of the staff, the founding and maintenance of ‘tradition’ must rest largely with the cadets themselves. It is a pleasure to be able to state that the Cadet Captain and section commanders have by their conduct and actions given clear indications that they realise this, and I would add that I have nothing but praise for the manner and spirit in which they have carried out their duties and have shouldered their responsibilities in circumstances which at times have been far from easy. It is perhaps too early yet to say that this spirit extends throughout the whole body of the cadets; but one must not be impatient in a matter which only the course of years can bring to full fruition. I have, however, no hesitation in saying that the start made is good and justifies the hope that the day will eventually come when the general tone and conduct of the college will be regulated by the sanctions of an unwritten code enforced by the common consent of the cadets themselves.”

There are, I think, some who would say that it is hardly fair to criticise the Dehra Dun College until it had been in existence for, say, twelve years at the very least and had thus been able to produce two generations of boys who had gone through a complete course. I think myself that would be a reasonable opinion; and looking at the matter in this light it seems to me that it is a remarkable tribute to the success of the efforts of Government that the Commandant should have been able to speak of the College in such an early stage of its development in the words which I have just quoted. I feel myself that if Government had done nothing more in the last five years beyond establishing that College, they would have been entitled to claim that they had taken the most important step towards the accomplishment of the end which my Honourable friend wishes to reach so quickly.

Now, Sir, we have had to attack the question of education in and for the Army at many other points. A good deal has recently been written on this subject and been made available to the public and I do not propose to detain the House long on this particular point. I think it will suffice if I explain that we have made special and very carefully designed arrangements to provide the Indian soldier in the Indian Army with a sound practical education. We have done this because it has been our experience that education of this kind not only makes a man a better citizen but it makes him a better soldier. We have also made arrangements to provide for the special education of the children of Indian soldiers and officers, because it will obviously be to the national advantage and also to the advantage of the Army that these children should acquire

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a sound educational background before, as we hope they will do, they join the service in which their fathers have served Government. We have of course not confined our energies in the case of the Indian soldier and officer to imparting general education. In the Indian Army, as it has been re-organised since the War, Indian personnel have a far wider range of employment than they had before the War. They are employed not only in the primary combatant arms but also in many of the technical arms, for example, as gunners in certain branches of the Royal Artillery; and consequently, it has been necessary to give the Indian soldier, non-commissioned officer and the Viceroy's commissioned officer intensive training at military schools in technical military subjects. At those schools Indian personnel are trained not only to perform technical duties but also to instruct others in the performance of such duties.

Now, Sir, I pass on to one or two questions relating to the Indianization of the ancillary departments of the Army, a subject to which I know my Honourable friend Sir Sivaswamy Aiyer has devoted a considerable amount of attention. In the first place, I should like to remind the House of what has been done in regard to the Cantonments Department. Some time ago the Government of India decided to reserve some 20 appointments in the Cantonments Department—approximately 50 per cent. of the appointments of executive officers—for Viceroy's commissioned officers. The remaining appointments in the Cantonments Department are open to British and Indian officers holding the King's Commission and I hope that it will not be very long before I get my first King's commissioned Indian officer to join the Cantonments Department. I next wish to remind the House of the fact that it has been decided to admit Indian gentlemen to the Army in India Reserve of Officers. That is another new departure. At the present moment we are not actually receiving any candidates for the Army in India Reserve of Officers for the reason that the terms and conditions of service laid down immediately after the War have not proved sufficiently attractive. But we have drafted a new set of terms and conditions which I hope will have the desired result and will draw British and Indian gentlemen to the Reserve.

Now, Sir, I should like for a moment to refer to our Ordnance Factories in which very valuable national and educational work is being carried on. The Civil Mechanical Engineering appointments in the Ordnance Factories are of course open to Indians but we have had practically no applications from Indians for these appointments. One reason undoubtedly is . . . .

**Diwan Bahadur M. Ramachandra Rao** (East Godavari and West Godavari *cum* Kistna: Non-Muhammadan Rural): May I ask the Honourable Member what steps have been taken to advertise these appointments?

**Mr. E. Burdon:** I was just about to deal with that. The appointments are of course advertised in the usual manner but there are practical difficulties, which have to be recognised. There are a number of Indian boys who go to England and acquire the academic diploma which is one of the necessary qualifications for these appointments but afterwards they find it impossible to obtain the necessary workshop experience in industrial firms either in India or in England. That is a very real difficulty, and

in order to meet it, the Government of India recently sanctioned a small experiment with great possibilities in it. They created an appointment of Probationary Assistant Works Manager at one of the Indian Ordnance Factories. An Indian gentleman has recently been appointed to this post and I personally hope that the experiment will be successful and will lead to much wider developments. Now, Sir, another matter to which I desire to draw the attention of the House is this. We have worked out proposals for the employment of Indians as King's commissioned officers in the Indian Army Veterinary Corps. But here, again, we have been up against the difficulty we are up against in so many cases, namely, there is no institution in India, private or otherwise, which teaches up to the standard of veterinary science required. We have framed proposals for overcoming that difficulty and I hope they will be successful. Now, Sir, I come to the question of the Territorial Force.

**Sir Hari Singh Gour** (Central Provinces Hindi Divisions: Non-Muhammadan): What about the wireless or the Air Forces?

**Mr. E. Burdon:** I do not think I shall be allowed to talk on all these matters. I shall take a sufficiently long time to deal with other subjects. I come, Sir, to the subject of the Territorial Force Committee's Report which formed one of the principal counts in Sir Sivaswamy Aiyer's indictment. Here are the facts. The Government created the Territorial Force as the nucleus of a citizen army in 1920. Four years later, much sooner than would have been considered proper . . .

**Mr. M. A. Jinnah:** I shall have to ask your protection, Sir. What bearing has all this on the motion I have moved? The Honourable Member is going into details which are quite irrelevant.

**The Honourable Sir Basil Blackett** (Finance Member): Sir Sivaswamy Aiyer went into them.

**Mr. President:** I do not think the Honourable Member is very anxious to go into details if the House does not want them. He is attempting to answer the criticisms made by Sir Sivaswamy Aiyer.

**Mr. E. Burdon:** The Government of India were accused of stagnation and I endeavour to show that stagnation is not a correct description of what the Government of India have done.

**Mr. M. A. Jinnah:** You might give us the full history.

**Mr. E. Burdon:** We created the Territorial Force as the nucleus of a citizen army in 1920. Four years later, much sooner than would have been considered proper by many people, we agreed to appoint a Committee to go into the whole question of reforming the Territorial and other non-regular forces. This Committee had a non-official majority and a majority of Indians on it. The Report of the Committee was presented a little more than a year ago. Immediately after it was presented Lord Rawlinson, the Commander-in-Chief in India, under whose auspices the Committee had been appointed, died, and his immediate successor held the appointment of Commander-in-Chief temporarily only. These are factors which have undoubtedly contributed to such delay as has occurred in dealing with the Report. Then it was necessary to consult Local Governments. The Local Governments, I may say, took a very great interest

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in the Report and went into the recommendations of the Committee with very great care. They have furnished us with very valuable criticisms and material. There was, it is true, one Local Government which said that as it had no Ministers it could not furnish us with representative Indian opinion on the subject. Since then that Local Government has appointed a committee to deal with the recommendations of the original Committee. These have been our difficulties, but actually the consideration of the Report of the Auxiliary and Territorial Forces Committee has almost been completed and the Government of India hope very shortly indeed to send forward recommendations to the Secretary of State . . .

**Diwan Bahadur T. Rangachariar:** How long will he take?

**Mr. E. Burdon:** I am unable to say how long the Secretary of State will take but I hope it will not be very long.

**Mr. M. A. Jinnah:** 1929.

**Mr. E. Burdon:** Honourable Members will remember that His Excellency the Commander-in-Chief, speaking in this House the other day, envisaged very clearly the possibility of some expenditure being incurred in the next financial year on fulfilling some, at any rate, of the important recommendations of that Committee.

Now, Sir, I come to the Skeen Committee but I will mention that very briefly. (Mr. M. A. Jinnah: "Nobody referred to that.") I cannot with propriety say very much about it for the moment except that the evidence which has so far been published in the papers seems to show clearly that the inquiry was necessary, that the problems which have to be investigated are not altogether easy of solution and that probably the inquiry could not have been undertaken with advantage at an earlier date. Here again, in the case of this Committee, representation of Indian opinion is on the widest possible basis, and certain members of the Committee are being given an unexampled opportunity of studying the methods of military training in other countries.

Now, Sir, the last item of my tedious list is the Royal Indian Navy and here I must acknowledge that my Honourable friend Sir Sivaswamy Aiyer expressed himself without qualification as being gratified with what the Government of India have done in regard to this matter. In other quarters I have seen some expressions of disparagement but it seemed to me that the expressions were halting and that our critics in this particular instance realise that there must be something very substantial behind a scheme in which His Majesty's Government have agreed to give to the new force from the start the title of Royal and the privilege of flying the White Ensign. The critics of Government talk of percentages when it suits them and of numbers, not in the form of percentages when by doing so they can lend their argument a better colour. I propose to do the same myself. In the case of the Royal Indian Navy, the percentage of Indians to be recruited as executive officers from the start is 33½ per cent. I admit that this only means one Indian a year as an executive officer to start with but that is because the force for practical and prudent reasons has been established as a small force to begin with. It will be for the people of India to say whether they wish the force to be increased after having seen what its value is and what the possibilities are of obtaining



Indian naval officers of the standard required. My Honourable friend Sir Sivaswamy Aiyer expressed the hope that there will not be great delay in taking the Navy scheme further and bringing it into practical operation. Well, Sir, I am rather optimistic on that point myself. We have got the ships, we have got the men and we have got the money too. One of our main stumbling blocks may be legislation but of course it is inconceivable that undesirable delay should take place in the process of legislation.

Now, Sir, in the record which I have given to Honourable Members of this House, do they find justification for my Honourable friend's complaint? (*Some Honourable Members: "Yes".*) Sir, I would ask the House particularly to look to the circumstances in which the programme of reforms up to date has been carried out. The period of time to which my Honourable friend's observations relate commences with the end of the Great War when the Army and the Army administration were exhausted by the efforts of the War and when it was imperative that the Army itself should be reconstructed and reorganised from top to bottom in the technical military sphere quite apart from any changes that might be necessary in the political sphere to which my Honourable friend has mainly addressed himself. There were other preoccupations also. There was the Third Afghan War. There were continued disturbances on the Frontier. There was the necessity of settling the Waziristan problem in which I think the House will acknowledge that the Government of India have achieved a very conspicuous success. Will any reasonable man say that the record of army reforms in the political sphere which the Government of India have carried out is inadequate having regard to the difficulties under which the task had to be essayed? I can hardly believe that the general sense of the House will be against Government on this point. And I must further point out that Government have had to work alone in this matter. As I have said in an earlier passage in my speech, private enterprise has not arisen to reinforce the efforts of Government to improve the Indian system of education though measures of the character which Government have set on foot are acknowledged, and widely acknowledged, to be necessary not only for army purposes but for other important national purposes also. Private enterprise has done nothing—let me take another example—to encourage civil aviation amongst the people of this country. Had there been any such attempt the arguments in favour of admitting Indians to the Royal Air Force, another of my Honourable friend's bones of contention, would have been immensely strengthened. Now, Sir, I hope the House will agree that I have gone a long way to answer my Honourable friend's indictment. I cannot admit that stagnation is a correct description of the history of the administration in the Army Department during the past few years. Had Government attempted to go faster they might not have achieved so much; they might even have found it necessary to retrace their steps. In the ordinary affairs of life "safety first" is an admirable maxim. It is a very sound maxim to follow in questions affecting the defence of India. (Applause.)

**Diwan Bahadur M. Ramachandra Rao:** Sir, the debate on this question of constitutional reform has spread over a very wide field and every imaginable argument that has been used during the last three years has again been brought into requisition. Sir, we have had our usual surprises, both in regard to the logic of facts and the logic of argument. I do not wish to cover the whole ground again but would confine myself to a few matters. Sir, the Honourable Sir Alexander Muddiman began his speech

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by making some reference to the statement of Monsieur Briand that a politician's job is an atrocious one. I think, Sir, that the Honourable Member has come to realise the truth of that statement more than anybody else. He has become a very astute politician in this House, and the answer which he has given to this debate fully justifies the view that he is in the front rank of the politicians in this country. (*An Honourable Member*: "No, of the world.") (*An Honourable Member*: "Atrocious.") Sir, I do not wish to add the adjective which my Honourable friend wishes me to add to qualify my statement. The Honourable Member made a most interesting speech for half an hour and went over the whole ground but committed himself to absolutely nothing. He did not give us an indication of the general conclusion which the Honourable Member and his Government have reached as a result of three years' endeavours in this House to get the Government to move on. He says that he is waiting for the dawn. I should like to know whether he was referring to the break of the dawn in Great Britain or in India. He said nothing very cogent in regard to want of co-operation on which he laid so much stress in the previous debates. I think his argument in regard to the subject of co-operation, though he repeated the formula of Lord Birkenhead, was not reinforced with the same enthusiasm and insistence which was characteristic of him on previous occasions. I think he has distinctly weakened in this respect. He has realised, very fully realised, that the argument of want of co-operation is unsound and is not justified by the circumstances which have arisen during the last two or three years.

Sir, the most surprising portion of this debate is the contribution made by my Honourable friend Sir Charles Innes. He taxed my friend Mr. Bipin Chandra Pal with a change of views and he quoted certain statements made by him last year as being in conflict with the general position that he has taken up to-day. In the course of his arguments, Sir, the Honourable Member has developed a new argument which was not urged by him in September last, when the whole question was under discussion. He stated to-day that there is a general want of co-operation in the working of the Reforms. Sir, I think this is a new argument which my Honourable friend has introduced in the debate to-day. Not only did he not say a word last time on this question of want of co-operation but he went about in the opposite direction. I will quote what he said on that occasion. He has apparently forgotten all about it now. Sir, he said:

"But, Sir, we have to look at the difficulties in the way of this demand for full self-government. Sir Sivaswamy Aiyer suggested that the difficulty was that we did not think there was capacity among Indians. I would like to say that we on the Treasury Benches do not claim, never have claimed, that there are not extremely able men among Indians. Indeed, Sir, it would be a poor compliment to my Honourable Colleagues on my right and on my left. Nor, Sir, is it fear of anti-British action. Nor, Sir, is it a complaint of lack of responsibility on the part of this House. It is true that every now and then this House has passed Resolutions which I personally do not approve of, but speaking for myself "

—and these are words which are very important—

"speaking for myself I can say at once that I have had the greatest help from this House. With regard to practically every Bill I have had to put before them, I have had the greatest co-operation from them. It is not those reasons, not those reasons in the very least . . . "

And then he went on to suggest his own reasons for not making an advance to which it is not necessary to refer. Sir, the point that I wish to bring to the notice of Sir Charles Innes and the House is that on the

last occasion the Honourable Member acknowledged in the most handsome terms that this House gave him the greatest co-operation in every Bill and every measure that was brought forward by him in this House. Sir, he made the same generous acknowledgment during the last few days; and now the Honourable Member gets up in his place and accuses us of a want of co-operation.

**The Honourable Sir Charles Innes:** Not you.

**Diwan Bahadur M. Ramachandra Rao:** Sir, my Honourable friend says that he did not refer to us. Now let me refer to the doings of my friends who are not here. I will invite his attention to the review of political events for 1924-25, which Dr. Rushbrook Williams compiled for the edification both of my Honourable friend and of Parliament. Sir, it is true that my Honourable friends, the Swarajists, committed themselves far too heavily to a policy of obstruction, but I claim that as soon as they came into this House, they realized the possibilities of the situation and quickly changed their methods. This is amply acknowledged by Dr. Rushbrook Williams in his book "India in 1924-25". In referring to the proceedings of the March Session of 1924-25 the author of this book says that:

"So far from indulging in the wholesale programme of obstruction and wreckage upon which they had at one time laid stress, they were taking a prominent part in the ordinary business of the House. For the rest, the Session served conclusively to demonstrate the general unanimity with which the section of Indian opinion represented in the House viewed the question of constitutional advance."

**The Honourable Sir Basil Blackett:** Represented in the House.

**Diwan Bahadur M. Ramachandra Rao:** We are all representatives.

**The Honourable Sir Basil Blackett:** Not of Cawnpore.

**Diwan Bahadur M. Ramachandra Rao:** My Honourable friend seems to think that the question as to whether there is co-operation should <sup>3 P.M.</sup> be decided only with reference to events that took place after the Congress resolution was passed in Cawnpore. As has been stated by Sir Alexander Muddiman, you have to judge of this matter by a continuous course of conduct of the Swarajists in this House during the last three years.

**The Honourable Sir Basil Blackett:** By what is stated by the Leader of the Swaraj Party.

**Diwan Bahadur M. Ramachandra Rao:** I will answer my Honourable friend later if he will allow me to proceed in my own way.

Now, coming to the September Session of 1924, when very many important questions were discussed, Honourable Members will notice that the same attitude of co-operation was maintained by all parties in this House. The historian says "that the events of September, 1924, proved that the death knell of the policy of obstruction in the Central Legislature has been sounded". Sir, I have now taken you up to September, 1924. I have already read the statement of Sir Charles Innes made in September, 1925. I have also referred to the handsome acknowledgment which Sir Charles Innes has made a few days ago. I maintain, Sir, that the Members of the Swaraj Party have served in all advisory committees, in the Standing Finance Committee for Railways, in the Standing Finance Committee, in the Public Accounts Committee. They have worked hard and have given every satisfaction.

**Diwan Bahadur T. Rangachariar:** Led deputations.

**Diwan Bahadur M. Ramachandra Rao:** My Honourable friend suggests that the Leader of the Party even went to Viceregal Lodge to meet the Viceroy on the South African question. In the face of all these facts, in the face of the continuous conduct of my Swarajist friends who are not here to-day, I maintain, Sir, that the fullest co-operation was offered not only by themselves, but by every section in this House, and the charge which my Honourable friends opposite are bringing forward, namely, want of co-operation, up to the time when they left this House is absolutely baseless and without any foundation.

**The Honourable Sir Basil Blackett:** They always protested very strongly when we congratulated them on co-operating.

**Diwan Bahadur M. Ramachandra Rao:** My Honourable friend always goes by the spoken word for the purposes of his argument.

**Diwan Bahadur T. Rangachariar:** Action is there.

**Diwan Bahadur M. Ramachandra Rao:** I have given a brief review of their proceedings in the House and I maintain that it is an act of injustice to the Swarajists and also to this House, notwithstanding the heavy commitments of the former to the contrary, to say that they offered no co-operation; and it is very ungracious on the part of my Honourable friends now to contend after all that they have done that no co-operation was forthcoming from them. Sir, the Honourable Sir Charles Innes asked us not to have anything to do with any other political party in this House.

**The Honourable Sir Charles Innes:** Unsound methods.

**Diwan Bahadur M. Ramachandra Rao:** I may say, speaking for myself and several other Honourable Members on these Benches that we have differed from the Swarajists as to the methods; but let me assure him that on the general lines on which political reform should proceed in this country, there is and there has always been consistent unanimity amongst all the political parties in this country including the Swarajists. If he thinks that we differ in our ideals of political and constitutional reform, he is entirely mistaken. We undoubtedly differ in regard to the methods. Therefore, Sir, let there be no misunderstanding on this matter. So far as the ideal of winning Swaraj as early as possible is concerned, there is no difference between the Swarajists, or Independents, or National Home Rulers, or Muslim Leaguers or any political party in the Country. I am glad to recognise that my Honourable friends, the European Members of this House, who have always identified themselves with the measures of Government whether good, bad or indifferent, are now awakened to a new sense of responsibility in regard to the people of this country. I am glad to recognise that the great work of political education which my friend Colonel Crawford has undertaken in regard to his community is bearing fruit and the fact that he is going round and explaining the chief points of the Indian Constitution is changing the angle of vision even of the European Members of this House. And I trust, Sir, that sooner or later they will also agree to and support our ideals for which we have been fighting for years. Sir, these are the general observations which occur to me in regard to the charge of want of co-operation.

Sir, I should also like to refer to one or two other aspects of this question. On the general question of the unsoundness of the machinery that has been set up, I think my Honourable friend Sir Alexander Muddiman has altogether forgotten all the representations that had been made before the Joint Parliamentary Committee preceding the enactment of the Government of India Act. He must remember that on the subject of dyarchy there has been a sharp difference of opinion between the various deputations that appeared before the Joint Parliamentary Committee. It was contended that the system of dyarchy would be unworkable in practice and that any measure of constitutional reform which did not introduce an element of responsibility in the Central Government would be unsound and unacceptable and would be inconsistent with the purpose and objects with which the reform scheme was undertaken. The abolition of the India Office was also urged, as also that the revenues of India should vest in the Government of India on behalf of the people of India. All these and other proposals which were continuously under discussion for a long time were placed before the Joint Parliamentary Committee. The Government of India had accepted the dyarchical system, and the creation of an irresponsible Executive in the Central Legislature. The scheme had been very vigorously criticised before 1919 and notwithstanding our protests and warnings that scheme has been embodied in the Government of India Act. What has been the result? The result has been that, when my Honourable friend Sir Alexander Muddiman undertook the inquiry, every one of these criticisms were again made before them and were further reinforced by practical experience and declared to be inherent in the existing constitution. Therefore, Sir, the position is this. You have set up, as pointed out by my friend Mr. Baptista, on whose excellent speech I wish to offer him my hearty congratulations and the congratulations of all my friends, a creaky machinery and you continue to say that we should continue to work that machinery against which every political party in this country made a protest in 1919 and you persist in saying that we must continue to work that scheme for the whole period fixed by the terms of the Government of India Act. The deputation with which I was connected represented to the Joint Parliamentary Committee that the new machinery that was about to be set up by the Government of India Act, was of such a hybrid nature that serious constitutional and administrative difficulties were likely to arise and that this period of 10 years should be cut down to 5 years. That was our suggestion at the time. We are now asking you to undertake an inquiry because our criticism has been fully justified and that this period of ten years was far too long and that the tempers of the people entrusted with the working of this machinery are being sorely tried. Notwithstanding all these facts and warnings which they have had, the Government of India are persisting in their course of not squarely looking at the problem.

There is another point to which I would like to refer. I contend that any inquiry under section 84A would empower the Royal Commission to deal with all the questions which I mentioned to-day in the course of my speech. I contend that it would be open to the Royal Commission to go into the question whether there should be responsibility in the Central Government. It would be open to it under the terms of the section to inquire into the constitutional changes that would be necessary in the whole constitutional machinery of the Government. My Honourable friend, Sir Charles Innes, thinks it is quite possible under the terms of the section for the Royal Commission to recommend a set-back. I do not say that it is not possible, but

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none of my friends on this side of the House hope that any Royal Commission would do it, though it may be the opinion of my Honourable friends opposite. I do not think they hope that such a recommendation would ever be made. Therefore, Sir, there is no object in saying, "Are you for an inquiry under the terms of section 84A?" I would also bring to the notice of Honourable Members that there is another clause which says:

"The Commission shall also inquire into and report on any other matter affecting British India and the provinces, which may be referred to the Commission by His Majesty."

What is there to prevent the Royal Commission from taking up all the questions which have arisen, not only with reference to the constitution of the Government of India, the want of responsibility of the Government of India, the partial responsibility in the provinces? What is there to prevent the Commission if there is a reference to it to inquire into all the questions relating to the Indianisation of the Army? (*An Honourable Member*: "Nothing at all.") Therefore, Sir, I maintain that even if a Commission is appointed under the terms of section 84A; all the questions which are referred to in our September Resolution can be gone into, provided there is willingness to meet us and to meet our political aspirations. There is nothing in the threat which is always held out to us that the Commission may make a recommendation to go back on the Reforms. Such a contingency is very remote and we are prepared to face that. There is not a single member of Government who says that such a result is likely or that they wish for it or that there is material for going back. It is quite possible under the terms of the section, but I feel certain that neither the Honourable Sir Charles Innes nor the Honourable Sir Basil Blackett nor any of the other Honourable Members wish it or desire it or think it is likely. I do not know of any evidence in support of such a position. We are, however, quite prepared to take the risk and shall take steps with the support of the Government of India to see that this Commission is properly constituted. The Central Legislature has been declared to be the Great Parliament of India. I met a very distinguished public man, who came here recently from Great Britain, and he and his wife and another friend of mine, who is an Irishman, fell to talking about the general question of how to get the Government of India to move on. My friend, the Irishman, who has lively recollections of the days of Parliamentary obstruction led by Parnell, immediately said: "You are too polished in your manners in this House, you are too mild, and unless there is a free fight on the floor of this House (laughter) you will not get on." I may also say, Sir, that he made an observation that, in these days no deliberative Assembly can be considered to be a decent one unless there is at least one free fight on the floor of the House. I regret to say, Sir, that we cannot carry out this suggestion, at least for the present. We may consider such a course to convince my Honourable friends at a later stage, but at present I regret to say that we cannot take up that suggestion. The lady in our company said that she had very exaggerated notions of the Parliament of India, judging from published books. She related to me a story of two distinguished Chinamen, who went all the way to Great Britain, after establishing a Parliament in China, with a request for a Prime Minister and other Ministers. Our position is exactly the same in this House. We have a Parliament, a representative House, but who are our Ministers? Ministers appointed not by this House, not in consultation with it, but by the Secretary of State and His Majesty the King-Emperor, and who, judging from

their remarks in this House, do not feel any sense of responsibility to this House. In fact, Sir, Sir Alexander Muddiman complimented my friend Sir Basil Blackett on his achievements in the sphere of finance which he said were only possible because he was not responsible to this House . . .

**The Honourable Sir Alexander Muddiman:** Far otherwise, I complimented Sir Basil Blackett on his exploits in finance because his exploits have been wonderful. It would be well if the Honourable Member recognised it.

**Diwan Bahadur M. Ramachandra Rao:** I remember a further statement that my Honourable friend made, but he did use these words, that his achievements were possible because he was not responsible to this House.

**The Honourable Sir Alexander Muddiman:** I deny any such statement; will the Honourable Member quote it?

**Diwan Bahadur M. Ramachandra Rao:** I am sorry I am not in a position to quote it. If my Honourable friend persists in denying it, I withdraw those words. If my Honourable friends were responsible to this House, would all the things that have been done in the last few years have taken place? My friend Sir Alexander Muddiman gave a number of instances of the achievements of the Government of India. May I ask him whether there was any sense of responsibility to this House in, to take the latest instance, the appointment of the Royal Commission on Agriculture. Was the Commission appointed after consulting this House or taking its opinion either as to the terms of reference or the purpose or the scope of its work? What do the Government of India do? They correspond with the Secretary of State, and correspond with the Local Governments, and actually announce the Commission without any discussion whatever in this House. Is that the sense of responsibility?

**The Honourable Sir Basil Blackett:** Exactly the same thing would happen in the House of Commons.

**Diwan Bahadur M. Ramachandra Rao:** I am glad the Honourable Sir Basil Blackett referred to the House of Commons. The Prime Minister in the House is the leader of the Party which is behind him and if he announces the appointment of any Royal Commission without knowing the trend of opinion of the leading men of his Party, he would not hold his office for a single day. My Honourable friend is fond of Parliamentary forms and Parliamentary analogies but, so long as he is irresponsible, and so long as he and his colleagues are not responsible to this House, these analogies do not apply. I may refer him again to the increase of the salaries of military officers amounting to 50 lakhs of rupees last year. Was there any discussion in this House? Was there any opportunity given to any one to say a word about this matter? After the announcement is made we may make any number of speeches that the increase was not necessary. Under the present arrangement, the proposal came automatically on the budget estimates of the Military Department and there is an end of it, and we had no opportunity of discussing the matter. Again with reference to the Lee Commission. My Honourable friends did even a little better in this case; they not only imposed a



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permanent recurring charge of Rs. 50 lakhs on Provincial Governments and the Government of India, but they also deprived this House of the power which they possessed of voting the salaries of the Civil Services. They advise that Parliamentary action should be taken, and that Parliamentary legislation should be undertaken, depriving this House of the powers they had possessed in this matter. I may also refer to the Civil Justice Committee. It was announced a few days before I came to this House in 1924 and I am greatly surprised that a measure of that character should have been announced without any discussion whatever in this House. We are met with the argument that the thing has been done, and that we should foot the bill. If we do not vote for it the Honourable Member gets up and says "You are not working the Reforms".

**The Honourable Sir Alexander Muddiman:** What about the Privy Council?

**Diwan Bahadur M. Ramachandra Rao:** Well, Sir, if the question relating to the composition of the Privy Council had been discussed as I have suggested it should have been, we at least in this part of the House would have considered it. We had a different proposal which I am certain would have been agreeable to my Honourable friend Sir Alexander Muddiman. I do not want to go into the matter now; but, Sir, I can give him a scheme which has met with our approval and we are perfectly willing if he likes, to-day here and now, to discuss that scheme with my Honourable friend. But when he puts forward his scheme, which has been approved by the Secretary of State, without giving any opportunity to us of examining it in all its bearings, mistakes like this (*Members on the Government Benches*: "Mistakes!"), are bound to occur. So far as this particular matter is concerned I do not think the scheme put forward by my Honourable friend was a sound one and for that reason I voted against it.

Take another instance. Time and again the rules of this House are amended without any discussion in this House. You call this a self-governing body and during the last two years the rules have been amended six times, including the rules for the election of the President, without a word being said in this House.

**The Honourable Sir Alexander Muddiman:** Why were the rules amended for the election of the President? Because there were not any rules; they were added.

**Diwan Bahadur M. Ramachandra Rao:** I am perfectly certain my Honourable friend understands me. I say no self-respecting body should have its rules for the conduct of its business settled by executive authority; and that is exactly what my Honourable friend is doing, and that is why there is justification for saying this House is subordinate to the Executive. I resent the treatment which this House has received during the last three years. If you wanted to amend the rules to get over any practical difficulty, what prevented my Honourable friend from putting forward a Resolution and taking the sense of the House unless he thought that nothing emanating from him—I do not think he would make such a statement—would be accepted by the House?



**The Honourable Sir Alexander Muddiman:** I had a suspicion.

**Diwan Bahadur M. Ramachandra Rao:** Well, Sir, I have always had a better opinion of my Honourable friend than he seems to have of himself. I do not think my Honourable friend could say he had a suspicion before asking us what we thought of the rules of procedure in any particular matter. I repeat again, what prevented my Honourable friend from bringing forward a Resolution suggesting that the rules should be amended in any particular manner? I fully recognise that under the present constitution the Executive Government has got the power to amend them. We have protested against this power and we still continue to protest against it.

Well, Sir, take again the question of Standing Committees. It is true the Montagu-Chelmsford Report said that with a view to giving the Members of this House an insight into the practical working of these Reforms, Standing Committees should be formed and attached to the various Government Departments. What use has been made of these Standing Committees? During the past three years this question relating to the Standing Committees has been raised every year. Every time the Standing Committees have been proposed there has always been some kind of criticism that no use was being made of these Committees. There is no account of what these Committees were doing.

Sir, I do not think I shall weary the House any further. During the last three years every political party in the country has put forward some scheme or other at the December Conferences for constitutional reform. What action has the Honourable Member taken on these schemes? I think, Sir, the long and short of this story is that the Government of India do not want to move and we are at a loss how to get them to get a move on in this matter. It is no use telling us, without any justification whatever, that there is no co-operation in the country. Take the various communities in this country. Are you bringing this charge of want of co-operation against, say, the landlords? Are you bringing this charge against the Muhammadan community? Or are you bringing this charge against Honourable Members who belong to the European community and who have been so faithful hitherto but who now show a more discriminating attitude? Would you bring the charge against the Anglo-Indian community? I do not understand what this attitude really is. My friend points to the empty Benches. All that I can say is this, that the Swarajists have done their level best during the last three years to get you to pursue a different course of action. They have failed; and notwithstanding their heavy commitments they have stayed here and times out of number they helped you in the shaping of your legislative and administrative measures. Notwithstanding all this it is very regrettable that you by your action should have driven them out of this House; I do not think they should have gone—that is a different matter. Therefore, Sir, I think the time has come when my Honourable friends should take up this matter without any further delay. It has been said—I remember the statements of various distinguished members of the Civil Service—that the members of the Civil Service may be very good judges, they may be very good administrators, they may be all that, but they are very poor judges of political currents and cross-currents in this country; and if notwithstanding all that has been done during the last three years my Honourable friends wish to maintain the same attitude as before, I can only say

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this, that the system in which they have been brought up is greatly at fault. It may be that my Honourable friends have occupied distinguished positions as administrators and may hold even more distinguished offices hereafter, but the point they have yet to learn is the art of statesmanship. They must realise the implications of the various political forces in the country; they must seize the proper moment without any hesitation and try to guide political opinion in this country. What they really are doing is to keep aloof, to watch the quarrels between the various political parties in the country, and try to get some comfort out of it. They do not at all seem to see that after all they are here to work the Reforms as much as we have to and I submit, Sir, that when the Muddiman Report disclosed so many inherent defects—the Majority as well as the Minority Reports—I submit there is absolutely no justification for the attitude, which my Honourable friend has taken, of “waiting for the dawn”. I do not know how long my Honourable friend proposes to wait for this dawn. I hope better wisdom will dawn upon him and that the motion will be passed by a majority.

**The Honourable Mr. S. R. Das** (Law Member): Sir, I propose to address this House on only one point which has arisen during the course of this debate, and that is the contention of my Honourable friend, Mr. Jinnah, as also of some of those who followed him (*Sir Hari Singh Gour*: “We cannot hear you.”) that the condition of further advance laid down by Lord Birkenhead has been fulfilled. Pandit Motilal Nehru also made that claim and complained that if the Government were not satisfied with the co-operation which his Party had shown it was because the Government wanted abject submission from them. That the Swarajists have co-operated in this Assembly I do not dispute; in fact I cannot dispute it after what I have heard. But I want this House to consider whether the co-operation which they have shown is really such co-operation as is required by the condition laid down by Lord Birkenhead.

**Sir Hari Singh Gour**: What is that condition?

**The Honourable Mr. S. R. Das**: I am coming to that, if you will have patience. Just consider the history of their coming into this Assembly. What was the policy on which they went to the election? I myself happened to be one of the defeated candidates at the last election, defeated not by what my rival Swarajist candidate did but by reason of the vigorous and powerful campaign which the great leader of the Swarajists and the founder of the Swarajist Party, my cousin, the late Mr. C. R. Das, carried on against me. And what was his cry? What was the main plank of that cry? It was, “We must pull down a building before we can construct a new one. We must destroy, we must obstruct continuously . . .”

**Sir Hari Singh Gour**: Destroy a dangerous building.

**The Honourable Mr. S. R. Das**: One of his favourite illustrations was, “We must pull down an old building before we can construct a new one on its site” forgetting, as it struck me then and as it has always struck me, that it is only prudent before you pull down an old building to ascertain if you have got the materials for a new one, because it is more prudent to continue in the old building even though it may have a leaky roof than to be without one. It at any rate protects you from the sun if it does not

from the rain. Now, that was the cry with which they got themselves elected and came into this House. I do not forget that Pandit Motilal offered the Government co-operation when he came here. I do not forget, as I have been told here over and over again, that he did co-operate with the Government in many instances. But do you think, having regard to the avowed policy of the Party, with which they came into this Assembly, that if they had come with a clear majority, Pandit Motilal, consistently with the avowed policy with which they came, would have made that offer of co-operation? Do you really think that if my Honourable friend Mr. Jinnah and his friends had not been here to prevent them from carrying out the policy with which they came they would have in any manner co-operated with the Government?

**Mr. Bipin Chandra Pal:** Is this their reward?

**Diwan Bahadur M. Ramachandra Rao:** This is their reward.

**The Honourable Mr. S. R. Das:** The point I want to make is that the co-operation which they gave was not co-operation from a feeling that they ought to carry out the Reforms under the present Act but it was one which was forced upon them by the circumstances under which they found themselves here. What happened afterwards? Before the last Cawnpore Congress some members of the Swarajist Party who called themselves responsive co-operationists charged Pandit Motilal with having in fact co-operated with the Government in this House, and they suggested that that co-operation should be carried to its logical consequence and that the Swarajist Party should be prepared to accept offices. What was the result? Pandit Motilal, Leader of the Swarajist Party, and the Swarajist Party not only refused to accept that suggestion—the House will bear in mind that that is the only way in which you could work the Reforms so far as the Provinces are concerned—they not only refused to do that but with a view to show to the country that they were still non-co-operators and with a view to get rid of the charge made by the responsive co-operationists that they had co-operated with the Government, they passed a resolution by which they directed the Swarajist Party to walk out of this House if certain demands were not conceded, knowing very well, as I am sure every one here will agree, that whatever the reason may be, right or wrong, the Government were not going to concede this.

**Diwan Bahadur T. Rangachariar:** Why not?

**The Honourable Mr. S. R. Das:** I am not going to deal with that. But I say they must have known it. They did that for the purpose of repudiating the charge made by the responsive co-operationists that they had co-operated and with a view to show it to the country. What happened when they came here? Pandit Motilal Nehru and his Party walked out on the plea that they had humiliated themselves by co-operating with Government, that the Government had rejected their co-operation and the only course open to them was to walk out. That is practically his plea for the action that he took. But I want this House to consider if that really was the reason why he and his Party went out. Was the reason that he put forward, that is to say that his co-operation had not been accepted, really the reason for his walking out? Was not the reason this, that the elections were approaching; that they felt that their action in having co-operated with Government while in the Assembly, having regard to the charge made against them by the responsive co-operationists, was likely to be misunderstood by their followers in the country and that it was necessary for them

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to convince their followers that they are still non-co-operators and that the only course open to them was to walk out? I want Members of this House to consider whether that was a co-operation which the Government was bound to accept as fulfilling the condition,—a co-operation not with a desire or in the belief that these Reforms should be worked which Lord Birkenhead wants, but co-operation which they were compelled to give by reason of their position. I submit, therefore, that my Honourable friends are not right when they say that they have throughout co-operated and that by reason of the tactless conduct of the Government the Swarajists walked out. I have suggested to the House the reason why they walked out and I submit that that is the real reason of their walking out.

There is one point to which I just want to draw the attention of this House. Mr. Jinnah like the able lawyer that he is, knowing the weakness of his point that the Swarajists had co-operated, suggested, "Assuming that the Swarajists did not co-operate, are you going to penalise the rest of the country because the Swarajists did not co-operate?" I do not want to deal with that question at very great length, but I want the House to consider this. Does this House really consider that the Government in deciding whether the country is prepared to co-operate or not can possibly ignore the attitude of the Swarajists? They may be numerically a very small party: I believe, with my Honourable friend, Mr. Jinnah, that so far as the bulk of my countrymen are concerned they are not Swarajists; but after all, however small they may be numerically, you cannot forget that they have by their power, by their organisation brought into this Assembly the largest single party, that they have succeeded in carrying out their policy, avowed at the time of their election, so far as the Central Provinces Council is concerned and so far practically as Bengal is concerned.

**Mr. M. A. Jinnah:** Do I understand from the Honourable Member that so long as the Swaraj Party does not make a declaration of co-operation, however small that Party may be, Government are not prepared to make any move?

**The Honourable Mr. S. R. Das:** I do not suggest that for one moment, but what I do suggest is this, that so long as the Swaraj Party have the influence that they have at present it is not possible for Government to ignore their attitude towards co-operation in working the Act.

**Diwan Bahadur T. Rangachariar:** What are you going to do?

**The Honourable Mr. S. R. Das:** I do not intend to go very much further into this matter . . . . .

**Mr. M. A. Jinnah:** Will their influence last if Government make a move forward?

**The Honourable Mr. S. R. Das:** That is a matter that I cannot answer, that is a matter on which there may be a difference of opinion. But the point I am dealing with is this. Is there that co-operation which Lord Birkenhead laid down as a condition for further advance? (*Several Honourable Members:* "Yes", "Absolutely", "Decidedly.") I may be wrong. Probably I am wrong. I am only putting forward the position as it strikes me.

**Sir Hari Singh Gour:** A good lawyer arguing a bad case.

**Mr. Bipin Chandra Pal:** May I ask whether the action of the Government and the attitude of the Government will not help the Swarajists at the next election?

**The Honourable Mr. S. R. Das:** It is a question of policy on which I am not prepared to give this Assembly my views. The position is this—that the Government have laid down through Lord Birkenhead that until certain conditions are fulfilled they are not going to make any advance. I am only dealing with that question.

**Diwan Bahadur M. Ramachandra Rao:** You are the sole judges of whether those conditions have been fulfilled.

**The Honourable Mr. S. R. Das:** I am putting to you the circumstances under which we think that there has not been that co-operation. You may say that in spite of that there has been co-operation. I am suggesting that there has not been that co-operation which is intended. I now want to answer the question put by Mr. Rangachariar—"How long is this to continue? If we cannot get the Swarajists to co-operate, is this going to continue for ever?" Surely that depends to a very great extent upon the Independents, the Nationalists, the Liberals and other parties. If they will only get rid of their disunion, if they will only organise themselves, if they will cease to be apathetic, if they will go to the electors and work for it, I am positive that they will be able to exercise their influence as against the Swarajists and then it will be difficult for the Government to say that the country was not prepared to co-operate.

**Mr. B. Venkatapatiraju** (Ganjam *cum* Vizagapatam: Non-Muhammadan Rural): At this late hour I would not have got up but the Honourable Mr. S. R. Das's remarks make me stand up.

**Sir Denys Bray** (Foreign Secretary): Sit up.

**Mr. B. Venkatapatiraju:** I will sit down after I have done with Mr. S. R. Das. We still love him because he bears the name of the national hero Mr. C. R. Das, whom we all revere. He told us that he was defeated at the elections and I hope he has not brought that ill-feeling into this debate when he made that speech. (*An Honourable Member:* "He has not forgotten it.") Has he read anywhere the definition of co-operation? What is its opposite? I will only request him to read the history of the Irish Revolution, and he will find there what is the opposite of co-operation. The opposite of co-operation, as understood in England and in Ireland, is contempt of law. Did you find or do you find either now or at any time amongst the Swarajists that contempt of law which is the opposite of co-operation? The next is passive resistance. Did you find or do you notice that passive resistance started, which we regard as the opposite of co-operation or, lastly, open rebellion? These three things, open rebellion, passive resistance and contempt of law, alone can be regarded as the opposite of co-operation. If these are absent, I do not understand how the Honourable Mr. Das is justified in saying that we do not get co-operation from that side. There is no use of mixing up the question of election with the present problem. We are here to consider whether there should be a further constitutional advance and what should be the methods adopted to secure it. Constitutional lawyer as he is, may I ask him about the defects of the present constitution. If I were the examiner I would put him the question, what are the fundamental principles on which the

[Mr. B. Venkatapatiraju.]

present constitution of British rule in India is based? I will tell him of those necessary ingredients which go to make up the constitution of a progressive State; and they are absent here. I will mention four fundamental principles which are absent in the working of this machinery. Does he find here that taxes should be levied only with the consent of the people's representatives? Is that the case in India? Is it not the fact that whenever you want you pile tax on tax in opposition to the popular view? Do you not think that there is an absence of that fundamental constitutional principle? Secondly, Sir, does he not agree that no subject should be imprisoned without cause being shown? Is there such a fundamental constitutional principle observed here? You have put aside the Habeas Corpus Act and have sent several people to jail without any charge brought home to them. Do not you think that you should refuse that portion of the constitution? Thirdly, I ask, should there not be constitutional limits to the autocratic will? Whenever we refuse any Bill, you certify it; whenever we refuse any grant, you restore it. How long do you think that that autocratic method should go on without being curbed? Do not you think the proper constitution requires that you should put an end to that? Lastly I ask you, Sir, with your short experience here and with your previous experience elsewhere, do not you think that equal opportunities to all and special privileges to none should be the underlying principle of all proper constitutions? Do you find it here? Do any of these things exist here? You impose taxes at your will; you show partiality and racial prejudice and you encourage privileged sections; you do not show cause for sending a man to jail; and if you do all these things, do you still think that this constitution does not require change? If it requires a change, if you think it is absolutely necessary that it should be changed, would you ask the people to bring about the necessary changes? Is it the practice in any country to consult the people in order to secure needed reform? If you think that the constitution has defects which should be corrected, you ought to do it yourself. You ought not to wait for others to say it. And if you think it is not right, it is for you to say so. Do you want to perpetuate these defects for ever? I will mention this as I am speaking with special reference to the Honourable Mr. S. R. Das. Do not you think in the reorganization of the Department itself that the very existence of a Law Member without any administrative portfolio is an anomaly? If I were to suggest remedies the first thing I would do is to abolish that Department or give a much more substantial and useful portfolio in which the Honourable Member can exercise his intelligence and previous experience, and not only to act merely like a Solicitor General. Therefore I would appeal to him, when his advice is sought in the Cabinet, that he should see that in the reorganization either his portfolio, his Department, should be abolished or some other useful portfolio should be placed in his charge. I may tell him that there is not much difficulty. In September there will be a vacancy and Sir Charles Innes will go, and there should be a reorganization of Departments, and if this Department is abolished, still there would be ample room for three Indians to be put in charge of important portfolios. But I do not propose to take this up at this late hour or to discuss the general policy of administration. I will only just read the condemnation of the present administration, not by Indian politicians but by the Labour Party in England which was published in *New India*. I shall just read it to show how far

they have condemned it. The charge against British rule in India is that "India is denied the rudiments of self-government, since the Council of State has a permanent Government majority, one-third of the Members of the Legislative Assembly are nominated, and the Governor-General is empowered to enforce any proposal". It declares that "freedom of speech and press, of meeting and of person is denied. Social reform is resisted by the Government. Health measures are inadequate, and the Indian Delegates to the League of Nations are appointed by the Secretary of State instead of by the Assembly. The Independent Labour Party recognises the full right of Indians to self-government and self-determination, and the British Government should announce its readiness to end external control".

The report of the Indian Advisory Committee of the Independent Labour Party further advocates "an amnesty for political offenders, and the withdrawal of Indian troops from non-Indian territories". It further urges "the enfranchisement of the working classes, and the examination of the system of land tenure and the affiliation of the All-India Trade Union Congress to the International Federation of Trade Unions". Now I ask, if an independent body in Great Britain should come to this conclusion that these are the defects in British rule in India, can I expect that an Indian Member of that bureaucracy should come forward and tell us, "It is not yet time for us to change the constitution"? I appeal to him if to no one else—because it is impossible to convince persons who have vested interests.

**The Honourable Mr. S. R. Das:** I have not said it.

**Mr. B. Venkatapatiraju:** Though you are bound by the rules and you cannot say it openly yet you feel in your heart of hearts that you have done a great injustice to yourself and to the country in which you are born and to the country in which you are serving.

**Mr. President:** The Honourable Member must address the Chair, please.

**Mr. B. Venkatapatiraju:** I have done with him, Sir.

**An Honourable Member:** I move that the question be now put.

**Colonel Sir Henry Stanyon** (United Provinces: European): Sir, the conclusions at which we, the non-official Europeans, have arrived on the demand for the immediate issue of a Royal Commission on the Reforms have been sufficiently set out by my Honourable friend and colleague, Sir Darcy Lindsay, and I have no wish to weary the House with undue repetition. But there is one point upon which I wish to emphasize our position. My Honourable friend, Mr. Jinnah, in the course of a speech, which has earned the admiration of all parties in this House for its moderation, its force and its dignity, invited the European non-official Members "not to play into the hands of Government", by voting with them. Sir, that was an unfortunate expression which tended, unwittingly and unintentionally, to cast a reflection on our honesty of opinion and independence of action. I am anxious to repudiate it because I am afraid it must be confessed that it has become a habit of thought to regard with suspicion the sincerity of opinions which do not agree with proposals for the censure of Government, and to credit pro-Government votes with ulterior and unworthy motives. My own course of action is to reach conclusions after independent and



[Colonel Sir Henry Stanyon.]

careful consideration, first individually, and then collectively with my colleagues; and when I have formed an opinion, to express it fearlessly and follow it into the lobby. We have had the word "co-operation" used over and over again in this House and out of it; but it seems to me that no one has made any serious attempt to find a common definition of it, and it is manifest that much political controversy concerning what is co-operation arises from the different meanings which the word presents to different people. As interpreted in the Swarajist camp, the word seems to me to mean the unquestioning acceptance of every dictate made by that Party. I cannot wholly acquit the Government of putting a somewhat similar interpretation on the word. Government come here with cut and dried schemes and inelastic demands, and seem sometimes to regard as non-co-operation any rejection of them by the non-official majority in this House. (Hear, hear.) Now, if these interpretations were correct it would mean that a mere difference of opinion amounts to non-co-operation with the party from whom you differ. In a narrow sense that may be so; but that is not, I think, the sense by which either the Government or the non-official Benches should guide themselves in this House. In my humble opinion, co-operation in the Legislatures demands first of all mutuality, a spirit of give and take, then honest opinion, individual or collective, on the merits of each question as it comes up, and a fearless following thereof into the lobbies. In this process conflict of opinion and a division of votes is inevitable. In the British Parliament all parties co-operate, though there is seldom universal agreement. The present debate, in which the Independent Party have put forward an honest, but, as we think, mistaken, view is co-operation as I understand the Right Honourable the Secretary of State and His Excellency the Viceroy to have used that word. And when I differ from my Honourable friend, Mr. Jinnah, and endeavour to convince him that he is wrong, I think I am using my best effort to co-operate with him and his party. We have studied the proposal now before the House individually and collectively, and we have formed an honest opinion against it. If there is anyone who could have convinced me to the contrary it is Mr. Jinnah. I take his appeal for our votes, unhappily worded though it was, to be an appeal to our reason and judgment; and I tell him in all sincerity that he has not been able to convince me. But let me assure him and my friends that even a minority vote of a co-operating House will carry far more weight than an overwhelming majority vote of obstructionists. My idea is that a Royal Commission should come out when we can prove that the democratic form—it is nothing but a form—of government introduced by the Reforms has been so far assimilated in this country as to justify us in asking for some of its substance. If a Royal Commission under the Act came out at once, what would it find? It would find a country torn by communal tension, racial animosity and universal distrust—a country in which at present regard for communal weal shows no signs of giving way to regard for common weal. It would find a country in which the electorate represents a very small fraction of the population—an electorate which is largely still without conception of the responsibilities of the franchise—and an electorate which, at all events so far as it is in touch with those responsibilities, has returned a majority who claim to possess a mandate for the obstruction and destruction of the particular form of Government now under trial. Sir, that is not a picture which I, as a sincere friend of India, desire to present



to a Royal Commission under section 84A of the Government of India Act. I apprehend that, if such a picture was presented to it, it might form the opinion of one who is an Indian first and last, an unquestioned and distinguished patriot, one who was intimately associated with the introduction, and has been intimately associated with the working, of the Reforms, and who has fearlessly and clearly stated, what we Europeans think, that India is not yet ready for a further advance. I refer to Lord Sinha. Finally, we object,—I object at all events,—to be a party to a proposal which, if adopted by the House, will compel the use by the Governor General in Council of his extraordinary powers. I say again it is not the result of the voting on this motion but this co-operating constitutional debate which will carry weight with the British public and, perchance, with our own hard-hearted Government. Let the certainty of that result hearten my friends if the division should go against them.

**Rai Bahadur Raj Narain** (Delhi: Nominated Non-Official): Sir, I rise for the second time in order to avoid giving a silent vote on this motion. The question which is before the House is of great importance. Sir, I am one of those who have from the very start been opposed to the present constitution. Nobody has taken it well, none of the political parties in India have taken it well, and I do not believe that at the time it came into force the then Government of India were themselves satisfied with the constitution under which we are working. Nobody liked it when it came and I repeat that I, for one, did not like it. (*An Honourable Member*: "Resign.") My reasons may be very different from those of others. But I must say that on the lines of the present constitution, in my humble opinion, India cannot be governed. Now, that is so far as the constitution is concerned. I am extremely sorry to find the Benches not half so full as I used to see them before the Swarajists left the House. It is a matter of deep regret that they should have walked out in the fashion they did. In my humble opinion their walking out will not serve any useful purpose in the advancement of the country.

**Maulvi Muhammad Yakub**: Your vote compelled them to walk out.

**Rai Bahadur Raj Narain**: I think they would have done well if they had remained inside the House. I know they do not require my advice; they are much abler men to ask advice from. But this is my humble opinion which I am entitled to submit as a Member of the House. Sir, I think, although I am whole-heartedly of the idea that the present constitution must change, what form the change shall take is not of course a matter for discussion this evening. But I am decidedly of the opinion that the present constitution must go and the sooner it goes the better. The next question which I ask is, what is the best method by which we can attain that object, an object which is common to us all, that is, that this constitution shall be changed? Is it by passing the motion which we propose to pass to-day? With great respect to my learned friend, the mover of the motion, I beg to differ from him, and say that that is not the best method of attaining the object which he has at heart.

**Mr. M. A. Jinnah**: What is the best method? Tell us please.

**Rai Bahadur Raj Narain**: In this respect we have got to see what part the Government of India have been playing in this matter, and also whether under the present circumstances of India one can hope for the result

[Rai Bahadur Raj Narain.]

which we have at heart, that is, will the Government of India be assisting you if at this moment they press for the appointment of a Commission? Sir, in this connection I am very, very sorry indeed to have to refer to a matter which has become a matter of every-day occurrence on the floor of this House. I refer, Sir, to the communal differences of the communities and the resulting effects of it. There is not a single day, a single day does not pass in this House when questions relating to communal differences, communal appointments, proportion of appointments even in the grade of chaprassies, in the grade of Munshis, is not brought forward. Even to-day we have heard some words suggesting that the future constitution should try to provide for communal and separate electorates. What does it convey to an ordinary mind? It is no good deceiving ourselves and saying that India is a nation, it has one idea and it has one goal. It is no doubt very since to hear all this but I think it is our duty to realise after all how we stand. Sir, for the last three years those Indians who have been following the Press can hardly be ignorant of the fact that for the last 2 or 3 years communal differences have been increasing. They have been becoming bitterer and bitterer, and the bitterness is increasing every year. Can you suggest that, while this state of things exists, the Government of India have no excuse whatever for not suggesting the immediate appointment of a Royal Commission? Supposing the Royal Commission came, what would they find? Whatever else they may find, they would certainly find this existing factor in India, and if they find this, what will they recommend to the English nation? In the existing circumstances, Sir, I suggest it is rather ungenerous to suggest that the travelling allowances of the Executive Council of the Governor General shall be cut down. What power had the poor Councillors to further your cause which they have ignored?

**An Honourable Member:** Poor.

**Rai Bahadur Raj Narain:** I do not refer to their poverty, but I say after all we must remember this circumstances that they are acting not under us, it has been admitted over and over again by us, but they are acting under the advice of the Secretary of State and under the influence of the Secretary of State; they are servants of the Secretary of State and not of us. They cannot ignore the situation existing in India and they cannot but judge what would happen if a Commission were to come at once. I submit that it is a matter for the consideration of the Mover whether this motion should be pressed to a division, considering the circumstances, as I have suggested, that exist, and I strongly ask my learned friend to do that. And I would suggest to the Honourable the Home Member, that, as after all it is a matter of three years, why cannot you get up and say "As soon as we see the circumstances are suitable, we will recommend that this should be done". There is no harm done by that. You are pledged to do it; you mean to do it; it is a matter of three years, and you can very well get up and say, "We are of opinion that this will be done as soon as the circumstances of the case permit," and on that for my learned friend to withdraw his motion.

**Mr. M. A. Jinnah:** Sir, I am quite willing to withdraw my motion if the Government will give me a definite assurance that the Royal Commission will be appointed at once.

**The Honourable Sir Alexander Muddiman:** I thank Mr. Jinnah for his generous offer. I notice that he would go as far as to agree to what he has himself proposed.

**Rai Bahadur Raj Narain:** With these few remarks, I suggest that the remedy which has been suggested by my Honourable friend is rather ungenerous and I shall not be able to support him for one . . . . .

**Mr. M. A. Jinnah:** Suggest another remedy, will you?

**Rai Bahadur Raj Narain:** I suggest persevering, go on pressing, and the real remedy I want to suggest to you is this, go to the country, tell them that they must make up their differences, they must have no communal feeling, they must trust each other. You must trust each other. You must not say that this post must be given to a Muhammadan because he is a Muhammadan, or this post must be given to a Hindu because he is a Hindu; for the simple reason that the best man ought to have it. We ought to trust each other, we ought to be able to say to the world "We trust that a Hindu will do just as well as a Muhammadan". Unless that feeling is brought about in India, unless that feeling exists in the minds of the inhabitants, I think that our claim that we are a nation is not a true one. With these few words, I oppose the motion.

**Maulvi Abul Kasem** (Bengal: Nominated Non-Official): Sir, like my Honourable friend who has just sat down I also do not like to record a silent vote, and I will crave the indulgence of the House for a few minutes only to speak on the motion. The question before the House for decision has been clearly and definitely stated by Mr. Jinnah in the very admirable speech with which he preceded his motion. I take it that what this motion actually means is a demand from the Members of this House on behalf of the country for the appointment of a Royal Commission. That belief is also shared by many of my friends here. It was expressed by the great parliamentarian Mr. Baptista; and I see no reason why a Royal Commission should not be appointed. Mr. Jinnah wants the appointment of a Royal Commission because he is very sanguine that the examination to which the people and the constitution will be subjected will be very favourable to him. I cannot say that I fully share his optimism. On the other hand, there is an opposition to the Royal Commission by the Government on the ground, not that they hope or wish, but because they apprehend that the situation in the country is such that if a Commission comes out to India the result of their inquiry may not be very favourable to the people of the country or to the demand of the reformers. I say, Sir, that it looks like the case of a young student who wants to sit for an examination. His teachers, his friends, or I may say his guardians think he is not at all prepared for it but the boy persists in saying that he is prepared to sit for the examination. At any rate he is prepared to have a sporting chance of success, and I think nobody will be justified in refusing him that opportunity. He takes the risk with a full sense of responsibility. Why not let him have it? Then, Sir, there is another reason why I want a Commission to be appointed, or in other words why I want an inquiry to be made, a full detailed, honest, and, what is more, an impartial inquiry into the whole constitution and the situation in the country; and the reason is, as expressed by my Honourable friend, Maulvi Muhammad Yakub, that in this constitution, although I may be charged with feelings of communalism, I feel that in this constitution we have not been very properly treated. I will not go into details here, but I want a tribunal

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which will examine my case when I present it before that tribunal. We presented our case before the first tribunal, and we think we did not receive full justice then.

Then, Sir, the main question this evening has been, as stated by the Honourable the Law Member, that the real test is to see whether there has been actual co-operation or not; and able and distinguished lawyer as he is he has placed his case with a great deal of forensic ability to convince us that there has not been co-operation. I do not deny that, but I want to know—I have been told that the year 1929 is not to be considered as sacrosanct—I want to know, why then the Act of 1919 need be considered sacrosanct, why the statement of the Secretary of State that an inquiry is only possible when co-operation is forthcoming should be treated as sacrosanct. Whether anybody is co-operating or non-co-operating, the question is whether the constitution as inaugurated in 1920 has or has not proved a success. If the machinery has failed—as everybody will admit it has failed—what is the defect in it? Is the defect in the machinery itself, or in the people who have been asked to run the machinery? Reference has been made by Mr. Jinnah that in the Central Provinces and in Bengal it has not worked; and he incidentally remarked that if the machinery had been properly handled in Bengal it would have worked successfully. I quite admit that the situation could have been better handled in Bengal than it was; but I doubt that any kind of handling would have made the operation of the Reforms and the present constitution in Bengal a success at all.

Then there is this question: it has not been appreciated by the people; it has not worked as the well-wishers of the country and the Government would have wished it to be worked. If the people for whose benefit it is intended do not want to work it satisfactorily, I say there is every reason why you should not thrust that constitution upon them, but should re-examine the whole question anew. The Honourable the Law Member has told us that the proper course is that you should go back to the country, tell them "Here is this situation and unless you send us absolute co-operators in very large numbers to the House we cannot get a Royal Commission or any further advance". But, Sir, you by your action are helping the Swarajists to capture the constituencies and ask us to fight against odds. What is the situation? The Commission cannot start work before the next elections. If you announce it now and if the non-co-operators or wreckers come in larger numbers, that would be a good ground for the Commission to refuse a forward move. Announce the Commission and give a chance to the electors to *respond*. The words "co-operation" and "non-co-operation" were started in 1919. Whatever the opinion of my countrymen may be, I for one hold this opinion and I think I am as much entitled to hold mine as anybody else—that these phrases were coined and used for the purpose of capturing popular imagination; and it has been to a great extent successful. It has been said that the Swarajists came to this House with the declared object of wrecking the constitution and of creating a deadlock; but by their conduct they have shown that they were actually co-operating. That is according to the old proverb that those who came to curse remained to pray. The object with which they came they said was to wreck the constitution, they raised the cry simply to capture the electorate and they succeeded in their attempt in doing that. Consequently, when they came

here, as the Honourable Mr. Das has said—and I agree with every word he has said—when they came here their instinct and their reason and their legal attainments all pointed to co-operation with the Government, and they did it for over 2½ years. When they found they had to go back to the electorate again then they wanted to do something in accordance with the mandate of the Congress and so they have gone out. If you say that they did actually co-operate, but they never admitted co-operation, if I may say so—I mean no disrespect to my absent friends—but if you believe that they did actually co-operate with you but they were not in a position to declare that they had done so (we may say, they felt some nervousness in doing so), why take them not in the spirit in which they have worked, but in the spirit of their declaration which is more or less meant, not for reasonable men but intended entirely to capture the electorate, with an eye on the gallery as it were?

Now, Sir, I am not one of those who will agree to any movement of a rash or precipitate kind. I would go slowly but on sure and sound lines. I think that the best course you could adopt for chalking out a proper course of action is by a thorough and impartial examination of the whole situation. I do not want that this examination should be conducted in a way so as to gratify the vanities or the ambitions of only the politically minded people in this country or that it should be conducted with a view to perpetuate the bureaucratic system. But whether it is bureaucratic or democratic I think the inquiry should be held only for the good of the people of this country, the masses, the agriculturists and the labourers and all those who make up the people of India. It should be for their benefit and advantage. You have to examine what system of government is good for them and what will improve their material, their moral and their social condition. With this end in view an inquiry should be started and that without delay. We have been told, "What is this? Everybody who goes to the electorate and says that we must wreck this has got the largest number of followers". Why? Because all sorts of ills to which humanity is subject are attributed to the present system of government. You have to examine the thing and prove that it is not so. How can you do it but by holding a thorough and impartial examination? I think there should not be any nervousness to go forward but, though I think there is no reason to apprehend it, if there be any justification for going backward, I think you should take courage in both your hands and go backward, if by an impartial examination on the evidence produced before the tribunal you find it necessary.

There is another aspect of the question. Sir Sivaswamy Iyer yesterday made a speech and said "I support Mr. Jinnah's motion on all fours (Laughter) but I am sorry I cannot support him with my vote because that would mean restoration of the Demand by the Governor General in Council and that is a bad precedent". Sir, I myself am opposed to doing any act which would necessitate the Governor General in Council to take action under the extraordinary provisions of the law. That is a bad precedent and I fully appreciate the remarks made by the Honourable the Leader of the House that you should not make the Governor General in Council callous about restoring lost grants. That is a thing which I myself do not like and I would have very much preferred if this motion was for a nominal cut only for the expression of the opinion of the House on this particular question. But, Sir, I can assure my friends who like Sir Sivaswamy Aiyer feel that the principle involved is about the restoration of the Grant that neither Mr. Jinnah nor those who share his opinion nor

[Maulvi Abul Kasem.]

those who will go into the lobby with him for a moment want or believe that will mean the deprivation of the Executive Council Members of their travelling allowances. What they want is an emphatic expression of their opinion about the appointment of a Royal Commission to consider the constitution of the country. At least I for one want that this grant be restored by the Governor General in Council. People will say then, "Why put him in that position?" I say in reply, "You have already put him in the position of restoring grants on several occasions. Where is the harm in adding one more to the number?" That is the actual situation as I read it.

I think, Sir, that the time has come when we should have an inquiry. Since the first Legislatures were opened under Royal auspices in 1920 we have been spending our time and our breath in discussing this constitutional question in this House and in the provincial Legislatures to the detriment of other and more useful and legitimate work for the benefit of the country. Many questions of material importance to the country have been relegated to the background simply because the people focus all their attention on this constitutional issue. Silence that by the appointment of a Royal Commission. The Commission will be appointed by His Majesty the King on the advice of His Ministers and on the recommendation of the Government of India, and I trust and hope that it will be a Commission which will enjoy the confidence of the people as well as of the Government of this country. Therefore an impartial examination by that Commission should not be denied. The point is that people are not afraid to subject themselves to that examination and Government need not be afraid to subject themselves to an examination by a Royal Commission. Then where is the objection and where is the difficulty? The only difficulty that I find is in the statement made by the Secretary of State that co-operation must precede the appointment of a Royal Commission. I say, if you insist upon co-operation from a small section of my countrymen who are opposed to it, though they are very well organised, though they are the most vocal, you will be attaching much greater importance to them than their position in the country would warrant and therefore you will by your action, directly and indirectly, help them and, as my Honourable friend Sir Chimanlal Setalvad said, leave your friends, the co-operators to the wolves when they go to the electorate.

(Several Honourable Members moved that the question be put.)

**Mr. President:** The question is that the question be now put.

The motion was adopted.

**Mr. President:** Sir Alexander Muddiman.

**The Honourable Sir Alexander Muddiman:** Have I a right of reply?

**Mr. President:** If the Honourable Member wishes to reply the Chair has no objection.

**The Honourable Sir Alexander Muddiman:** I do not propose to speak again.

**Mr. President:** The question is:

"That the Demand under the head 'Executive Council' be omitted."

The Assembly divided :

AYES—31.

Abdul Haye, Mr.  
Abul Kasem, Maulvi.  
Ahmad Ali Khan, Mr.  
Aiyangar, Mr. K. Rama.  
Alimuzzaman Chowdhry, Khan  
Bahadur.  
Ariff, Mr. Yacoob C.  
Baptista, Mr. J.  
Chanda, Mr. Kamini Kumar.  
Das, Mr. B.  
Datta, Dr. S. K.  
Deshmukh, Mr. R. M.  
Ghazanfar Ali Khan, Raja.  
Ghulam Abbas, Sayyad.  
Gour, Sir Hari Singh.  
Hyder, Dr. L. K.  
Ismail Khan, Mr.

Jinnah, Mr. M. A.  
Joshi, Mr. N. M.  
Kasturbhai Lalbhai, Mr.  
Lohokare, Dr. K. G.  
Mahmood Schamnad Sahib Bahadur,  
Mr.  
Malaviya, Pandit Madan Mohan.  
Mutalik, Sardar V. N.  
Neogy, Mr. K. C.  
Pal, Mr. Bipin Chandra.  
Ramachandra Rao, Diwan Bahadur M.  
Rangachariar, Diwan Bahadur T.  
Sadiq Hasan, Mr. S.  
Talatuley, Mr. S. D.  
Venkatapatiraju, Mr. B.  
Yakub, Maulvi Muhammad.

NOES—47.

Ajab Khan, Captain.  
Akram Hussain, Prince A. M. M.  
Bajpai, Mr. R. S.  
Bhore, Mr. J. W.  
Blackett, The Honourable Sir Basil.  
Bray, Sir Denys.  
Burdon, Mr. E.  
Calvert, Mr. H.  
Carey, Sir Willoughby.  
Clow, Mr. A. G.  
Cocke, Mr. H. G.  
Crawford, Colonel J. D.  
Dalal, Sardar B. A.  
Donovan, Mr. J. T.  
Ghulam Bari, Khan Bahadur.  
Gidney, Lt.-Col. H. A. J.  
Gordon, Mr. R. G.  
Graham, Mr. L.  
Hazlett, Mr. J.  
Hira Singh Brar, Sardar Bahadur  
Captain.  
Hudson, Mr. W. F.  
Innes, The Honourable Sir Charles.  
Jatar, Mr. K. S.  
Jeelani, Haji S. A. K.  
Lindsay, Sir Darcy.

Lloyd, Mr. A. H.  
Macphail, The Rev. Dr. E. M.  
Makan, Khan Sahib M. E.  
Mitra, The Honourable Sir Bhupendra  
Nath.  
Muddiman, The Honourable Sir  
Alexander.  
Muhammad Ismail, Khan Bahadur  
Saiyid.  
Naidu, Rao Bahadur M. C.  
Owens, Lieut.-Col. F. C.  
Rahman, Khan Bahadur A.  
Raj Narain, Rai Bahadur.  
Rau, Mr. P. R.  
Reddi, Mr. K. Venkataramana.  
Roffey, Mr. E. S.  
Sams, Mr. H. A.  
Sarda, Rai Sahib M. Harbilas.  
Singh, Rai Bahadur S. N.  
Stanyon, Colonel Sir Henry.  
Tonkinson, Mr. H.  
Ujagar Singh Bedi, Baba.  
Vernon, Mr. H. A. B.  
Vijayaraghavacharyar, Sir T.  
Willson, Mr. W. S. J.

The motion was negatived.

*Delay of the Commerce Department in dealing with the Report of the Indian Mercantile Marine Committee.*

**Diwan Bahadur T. Rangachariar:** Sir, my motion No. 85, although it should come properly under the Commerce Department for which my Honourable friend Sir Charles Innes is responsible, I wish to take under this head, as I see the guillotine moving from one end of the House to the other and I have no chance of reaching the Commerce Department Demand. Sir, this is a most important Committee which was appointed by the Government of India on a motion adopted by this House as early as 1921. The Committee was appointed, an expert member from England was appointed to that Committee and the Committee made its recommendations in February 1924. Here we are now in March 1926. This is a subject in which the Government of India had been guilty of delay, inordinate delay, beforehand. It is a subject on which the Government of India should have taken steps long long ago. But having neglected it so long it became their

[Diwan Bahadur T. Rangachariar.]

duty to be prompt in taking action on the recommendations of this Committee. On a subject of that great importance there was commendable unanimity of opinion, except for my friend Sir Arthur Froom who differed on only one of the recommendations of the Committee. As regards other matters, for instance, the starting of our training ship and the giving of facilities for Indians in the development of the mercantile marine of this country, he was at one with the rest of the Committee. So that although he differed on one point there was no difficulty; the recommendations had been summarised under each head and it only remained for the Government of India to take prompt action on that matter. Sir, there are matters in which the Government of India make up their mind very quickly indeed. Distances do not count; time is of no importance; they press on; and the Secretary of State on the floor of the House of Commons expresses regret for a delay of even a few months in giving allowances, etc., to the domiciled community in the provincial services. He actually expresses regret on the floor of the House, as I see from one of the recent telegrams, when the matter in question is one which affects the services. But in regard to the people at large the Government of India are guilty of delay, criminal delay, in a matter of this importance. Sir, I submit that the country attaches the greatest importance to development in this direction. These are matters of substance which would add to the economic wealth of this country and of the people of this country. It is in these respects that the Government of India have been accused of step-motherly treatment of the interests of India, because they do not fail to look after the interests of other communities with whom they are identified. That being so, it was their duty to have taken steps. Sir, time after time questions have been put asking what steps were taken. My Honourable friend used to tell us that he had sent for one expert, that that expert did not come and that another expert has come; that he came last time, and he has made a report. Now, Sir, these are matters which could have been hurried if they really had the heart. My complaint is that they have not, Sir, their heart in the business, and I want them to say what steps they have taken to carry out this long-delayed but urgently needed reform in adding to the welfare of this country and to opportunities for service in this country for my countrymen in these respects. I accuse them of delay, and I ask them to take earnest steps in the future at least. To-day, Sir, I was glad to see an announcement by the Honourable the Home Member that the matter is to be discussed on a motion to be moved by my Honourable friend, Sir Sivaswamy Aiyer. Why leave it to Sir Sivaswamy Aiyer to move the motion again? Here the Government of India appointed a Committee to go into this matter. They have their recommendations before them. Why do not the Government of India come forward with their own recommendations? If legislation is needed, why do they not come forward with the legislation needed? Why leave it again to a non-official Member to take a day from the Honourable the Home Member? Sir, the Honourable the Home Member could have had any number of days, and, Sir, we are willing to sit here if necessary if more days are needed to deal with this matter, but I do accuse the Government of India of deliberate delay in a matter of this great importance. Sir, I move my motion:

“That the provision under the sub-head ‘II. B.—Allowances, etc.’ be reduced by Re. 1”

in order to draw attention to the delay of the Commerce Department in dealing with the Mercantile Marine Committee's Report.



**The Honourable Sir Charles Innes:** Sir, I plead at once not guilty. The Honourable Mr. Rangachariar accuses me of undue delay in dealing with this matter, the matter being the Report of a Committee on which my Honourable friend himself served. Now the first point I wish to make to the House is that the most important recommendation made by that Committee is that the coastal trade should be reserved practically to Indian-owned ships. Now, Sir, Mr. Rangachariar will bear me out that when the Indian Mercantile Marine Committee made that recommendation, at the same time they said in so many words in their Report that they were unable to say whether the reservation of the coastal trade would be for the benefit of India. They said they had no data to examine the question. Their view was that they had been asked to find out the way in which an Indian Mercantile Marine could most expeditiously be fostered, and they said, "If you want an Indian Mercantile Marine, reserve the coastal trade, but, mind you, we are unable to tell you whether that reservation is going to be for the benefit of India or not." Now, Sir, I say quite definitely that when the Indian Mercantile Marine Committee made a statement of that kind, they were not altogether doing their job, and as they did not go into that question, they put a burden upon the Commerce Department. That is one reason, Sir, why we have had to delay this matter, because we have had to examine this very important recommendation in all its aspects. Then, again, Sir, the Honourable Member knows perfectly well that the recommendation reserving the coastal trade of India raises difficult questions and we had to take the highest legal opinion as to whether such a proposal was *intra vires* or *ultra vires* of the Indian Legislature. Then, again, Sir, the Honourable Member knows that long ago we took up with the departmental Advisory Committee the question of a training ship. On the advice of the departmental Committee we wrote home to try and get a man who could advise on this point. Through no fault of our own, it was only last August that we were able to get hold of Captain Sayer but through circumstances over which he had no control, he could not come out till December last. His report has now been published and is in possession of Members of the House. There is another point I wish to draw the Honourable Member's attention to. It is perfectly true that in the last Session in Simla I promised my friend, Sardar Mutalik, that I would give a day for discussion this Session. I waited to see whether Sardar Mutalik's own Bill for the reservation of the coastal trade would give me the opportunity I was looking for, and it got the second place in the ballot on a certain day; but to my astonishment I was informed by the Legislative Department that Sardar Mutalik had informed the President that he did not intend to move the motion.

**Sardar V. N. Mutalik** (Gujarat and Deccan Sardars and Inamdars: Landholders): May I make a personal explanation, Sir. I have already explained to the Honourable Member the reason why I gave that notice. It was simply because there would be no opportunity on that day for discussing this particular subject.

**The Honourable Sir Charles Innes:** I do not know what the reason was, but as soon as I saw that the Honourable Member's motion had secured the second place in the ballot, I informed my friend Mr. Graham that we need not provide a Government day for purposes of discussing this question. But as soon as I saw it was not coming on, I again informed Mr. Graham and the Honourable Member that a Government day would be provided for the discussion of this question.

**Diwan Bahadur T. Rangachariar:** May I ask why Government themselves do not bring forward Resolutions or legislation? If they have come to a conclusion, let them submit it to the House.

**The Honourable Sir Charles Innes:** The Honourable Member must wait for two or three days and then he will see what action Government are taking. Finally, Sir, the Honourable Member has made a statement. He said the country attaches the very greatest importance to this question. Let me remind the Honourable Member what he said himself on the 8th of February, 1924, referring to the Indian Mercantile Marine Committee's Report. I will read out his actual words:

"Yesterday, Sir, my Honourable friend, Pandit Madan Mohan Malaviya, bemoaned the absence of a mercantile marine in this country. But, Sir, a subject so important as that did not attract much attention in the country. We felt it. There is no public response to such Committees. We had to egg them on to come before us, those who had got any interest in such questions."

**Diwan Bahadur T. Rangachariar:** The thinking public want it.

**The Honourable Sir Charles Innes:** I quite admit that in circumstances over which we had no control we have not yet been able to place the matter before the House, but as the Honourable Member himself knows we have now given Government time for a Resolution. I hope to get the decision of the House on the question of the Training Ship and to make a statement regarding the attitude of Government in regard to other matters.

**Mr. President:** The question is:

"That the provision under the sub-head 'II. B.—Allowances, etc.' be reduced by Re. 1."

The motion was negatived.

**Mr. President:** The question is:

"That a sum not exceeding Rs. 62,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1927, in respect of 'Executive Council'."

The motion was adopted.

#### DEMAND NO. 29—LEGISLATIVE BODIES.

**The Honourable Sir Basil Blackett:** Sir, I beg to move:

"That a sum not exceeding Rs. 5,69,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1927, in respect of 'Legislative Bodies'."

*Equality of Treatment of Members of the Legislative Assembly and Council of State in the matter of Allowances.*

**Sardar V. N. Mutalik:** Sir, I beg to move:

"That the Demand under the head 'Legislative Bodies' be reduced by Rs. 1,001."

At this late hour, Sir, I am only going to draw the attention of Government to the subject and I want the opinion of the House, if it can be given within this short time that is at our disposal. The subject is that more allowances are given to the Members of the other House and there is in my opinion, absolutely no reason why the Members of the other House should be treated in a different way to that in which the Members of this House are treated. Sir, I only say this and I want the vote of the House.

**Mr. L. Graham** (Secretary, Legislative Department): Sir, it seems to me rather unjust that I should be allowed only four minutes to deal with this subject but I shall do the best as I can in the time at my disposal. As Honourable Members know perfectly well, this question was first raised some three or four years ago by my Honourable friend Mr. Rangachariar. The Honourable the Law Member on that occasion said quite plainly that the question was one to be determined by the other House. It was not really proper for this House to say to the other House: "We have got so much and therefore you should have no more". On the assurance of the Honourable the Law Member that on an early occasion Government themselves would bring a Resolution before the other House suggesting that they should regulate their allowances on the scale laid down in this House, my Honourable friend very courteously withdrew his motion. Thereupon—I do not know if Honourable Members read the proceedings of another place, but if they do they will be well aware of it—a motion was duly put in the other House by Sir Muhammad Shafi and the matter was debated entirely on its merits. The Honourable Members of the other House rejected the Resolution. (*Cries of "Shame"*.) I do not know why Honourable Members should say "shame". It was a popular vote. It was not a vote which was demanded by the officials. Honourable Members should remember that the officials did not vote on that occasion. Government went as far as they could in view of the wishes of this House. In order to meet the wishes of the Honourable Members of this House the concession was withdrawn by executive order from the official Members of the Council of State who come from the provinces.

**Diwan Bahadur T. Rangachariar**: Am I right in assuming that non-official Members are treated more favourably than official Members in the Council of State?

**Mr. L. Graham**: Yes, the official Members get a smaller amount.

**Diwan Bahadur T. Rangachariar**: Do the non-official Members of the other House realise this?

**Mr. L. Graham**: I trust they do. Politicians have no sense of gratitude. The position with regard to the new House is that a motion was again put before it the other day. Government, in response to a question asked at Simla, said quite frankly that, when the new Council of State came into existence, they would again take up the question. The intention of the Government was to bring a Resolution before the other House. At the same time, Government were of opinion that the question could more appropriately be raised by non-official Members because official Members were not concerned in any way. Notice of a Resolution was given by a non-official Member. It was duly debated in the other House but no final decision has been reached. The House was actually adjourned on the motion of a non-official Member who said that these personal questions of allowances and things of that sort were not matters to be ventilated on the floor of the House. They should first be inquired into by a committee. In the course of the last week, I think, the other House has set up a committee which is actually to go into all these questions of the allowances of the other House.

(*An Honourable Member*: "Why should we not be represented on that committee?")

[Mr. L. Graham.]

Government of course recognise that is for this House to vote the allowances. Unfortunately, I have not sufficient time at my disposal to deal adequately with this question. I think Honourable Members will realise that it is for this House in the first place to . . . . .

(It being Five of the Clock, Mr. President proceeded to put the questions.)

**Mr. President:** The question is:

"That the Demand under the head 'Legislative Bodies' be reduced by Rs. 1,001."

The motion was negatived.

**Mr. President:** The question is:

"That a sum not exceeding Rs. 5,69,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1927, in respect of 'Legislative Bodies'."

The motion was adopted.

#### DEMAND NO. 30—FOREIGN AND POLITICAL DEPARTMENT.

**Mr. President:** The question is:

"That a sum not exceeding Rs. 8,22,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1927, in respect of the 'Foreign and Political Department'."

The motion was adopted.

#### DEMAND NO. 31—HOME DEPARTMENT.

**Mr. President:** The question is:

"That a sum not exceeding Rs. 6,07,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1927, in respect of the 'Home Department'."

The motion was adopted.

#### DEMAND NO. 32—PUBLIC SERVICE COMMISSION.

**Mr. President:** The question is:

"That a sum not exceeding Rs. 1,07,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1927, in respect of the 'Public Service Commission'."

The motion was adopted.

#### DEMAND NO. 33—LEGISLATIVE DEPARTMENT.

**Mr. President:** The question is:

"That a sum not exceeding Rs. 5,61,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1927, in respect of the 'Legislative Department'."

The motion was adopted.

## DEMAND NO. 34—DEPARTMENT OF EDUCATION, HEALTH AND LANDS.

**Mr. President:** The question is:

"That a sum not exceeding Rs. 5,29,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1927, in respect of the 'Department of Education, Health and Lands'."

The motion was adopted.

## DEMAND NO. 35—FINANCE DEPARTMENT.

**Mr. President:** The question is:

"That a sum not exceeding Rs. 9,99,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1927, in respect of the 'Finance Department'."

The motion was adopted.

## DEMAND NO. 36—SEPARATION OF ACCOUNTS FROM AUDIT.

**Mr. President:** The question is:

"That a sum not exceeding Rs. 12,30,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1927, in respect of 'Separation of Accounts from Audit'."

The motion was adopted.

## DEMAND NO. 37—COMMERCE DEPARTMENT.

**Mr. President:** The question is:

"That a sum not exceeding Rs. 2,87,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1927, in respect of the 'Commerce Department'."

The motion was adopted.

## DEMAND NO. 38—ARMY DEPARTMENT.

**Mr. President:** The question is:

"That a sum not exceeding Rs. 5,55,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1927, in respect of the 'Army Department'."

The motion was adopted.

## DEMAND NO. 39—DEPARTMENT OF INDUSTRIES AND LABOUR.

**Mr. President:** The question is:

"That a sum not exceeding Rs. 4,85,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1927, in respect of the 'Department of Industries and Labour'."

The motion was adopted.

## DEMAND NO. 40—CENTRAL BOARD OF REVENUE.

**Mr. President:** The question is:

"That a sum not exceeding Rs. 1,88,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1927, in respect of the 'Central Board of Revenue'."

The motion was adopted.

DEMAND No. 41.—PAYMENTS TO PROVINCIAL GOVERNMENTS ON ACCOUNT OF  
ADMINISTRATION OF AGENCY SUBJECTS.

**Mr. President:** The question is:

“That a sum not exceeding Rs. 1,44,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1927, in respect of ‘Payments to Provincial Governments on account of administration of agency subjects’.”

The motion was adopted.

DEMAND No. 42—AUDIT.

**Mr. President:** The question is:

“That a sum not exceeding Rs. 71,92,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1927, in respect of ‘Audit’.”

The motion was adopted.

DEMAND No. 43—ADMINISTRATION OF JUSTICE.

**Mr. President:** The question is:

“That a sum not exceeding Rs. 1,88,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1927, in respect of ‘Administration of Justice’.”

The motion was adopted.

DEMAND No. 44—POLICE.

**Mr. President:** The question is:

“That a sum not exceeding Rs. 2,10,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1927, in respect of ‘Police’.”

The motion was adopted.

DEMAND No. 45—PORTS AND PILOTAGE.

**Mr. President:** The question is:

“That a sum not exceeding Rs. 24,27,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1927, in respect of ‘Ports and Pilotage’.”

The motion was adopted.

DEMAND No. 46—SURVEY OF INDIA.

**Mr. President:** The question is:

“That a sum not exceeding Rs. 29,01,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1927, in respect of ‘Survey of India’.”

The motion was adopted.

DEMAND No. 47—METEOROLOGY.

**Mr. President:** The question is:

“That a sum not exceeding Rs. 9,17,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1927, in respect of ‘Meteorology’.”

The motion was adopted.

## DEMAND No. 48—GEOLOGICAL SURVEY.

**Mr. President:** The question is:

“That a sum not exceeding Rs. 1,99,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1927, in respect of ‘Geological Survey’.”

The motion was adopted.

## DEMAND No. 49—BOTANICAL SURVEY.

**Mr. President:** The question is:

“That a sum not exceeding Rs. 6,86,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1927, in respect of ‘Botanical Survey’.”

The motion was adopted.

## DEMAND No. 50—ZOOLOGICAL SURVEY.

**Mr. President:** The question is:

“That a sum not exceeding Rs. 1,46,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1927, in respect of ‘Zoological Survey’.”

The motion was adopted.

## DEMAND No. 51—ARCHÆOLOGY.

**Mr. President:** The question is:

“That a sum not exceeding Rs. 14,09,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1927, in respect of ‘Archæology’.”

The motion was adopted.

## DEMAND No. 52—MINES.

**Mr. President:** The question is:

“That a sum not exceeding Rs. 1,73,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1927, in respect of ‘Mines’.”

The motion was adopted.

## DEMAND No. 53—OTHER SCIENTIFIC DEPARTMENTS.

**Mr. President:** The question is:

“That a sum not exceeding Rs. 3,19,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1927, in respect of ‘Other Scientific Departments’.”

The motion was adopted.

## DEMAND No. 54—EDUCATION.

**Mr. President:** The question is:

“That a sum not exceeding Rs. 7,00,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1927, in respect of ‘Education’.”

The motion was adopted.

## DEMAND NO. 55—MEDICAL SERVICES.

**Mr. President:** The question is:

“That a sum not exceeding Rs. 7,81,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1927, in respect of ‘Medical Services’.”

The motion was adopted.

## DEMAND NO. 56—PUBLIC HEALTH.

**Mr. President:** The question is:

“That a sum not exceeding Rs. 10,34,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1927, in respect of ‘Public Health’.”

The motion was adopted.

## DEMAND NO. 57—AGRICULTURE.

**Mr. President:** The question is:

“That a sum not exceeding Rs. 15,02,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1927, in respect of ‘Agriculture’.”

The motion was adopted.

## DEMAND NO. 58—CIVIL VETERINARY SERVICES.

**Mr. President:** The question is:

“That a sum not exceeding Rs. 6,77,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1927, in respect of ‘Civil Veterinary Services’.”

The motion was adopted.

## DEMAND NO. 59—INDUSTRIES.

**Mr. President:** The question is:

“That a sum not exceeding Rs. 43,86,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1927, in respect of ‘Industries’.”

The motion was adopted.

## DEMAND NO. 60—AVIATION.

**Mr. President:** The question is:

“That a sum not exceeding Rs. 3,50,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1927, in respect of ‘Aviation’.”

The motion was adopted.

## DEMAND NO. 61—COMMERCIAL INTELLIGENCE AND STATISTICS.

**Mr. President:** The question is:

“That a sum not exceeding Rs. 2,47,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1927, in respect of ‘Commercial Intelligence and Statistics’.”

The motion was adopted.



## DEMAND No. 62—EMIGRATION—INTERNAL.

**Mr. President:** The question is:

"That a sum not exceeding Rs. 45,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1927, in respect of 'Emigration—Internal'."

The motion was adopted.

## DEMAND No. 63—EMIGRATION—EXTERNAL.

**Mr. President:** The question is:

"That a sum not exceeding Rs. 85,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1927, in respect of 'Emigration—External'."

The motion was adopted.

## DEMAND No. 64—JOINT STOCK COMPANIES.

**Mr. President:** The question is:

"That a sum not exceeding Rs. 1,35,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1927, in respect of 'Joint Stock Companies'."

The motion was adopted.

## DEMAND No. 65—MISCELLANEOUS DEPARTMENTS.

**Mr. President:** The question is:

"That a sum not exceeding Rs. 2,47,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1927, in respect of 'Miscellaneous Departments'."

The motion was adopted.

## DEMAND No. 66—INDIAN STORES DEPARTMENT.

**Mr. President:** The question is:

"That a sum not exceeding Rs. 16,27,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1927, in respect of the 'Indian Stores Department'."

The motion was adopted.

## DEMAND No. 67—CURRENCY.

**Mr. President:** The question is:

"That a sum not exceeding Rs. 59,12,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1927, in respect of 'Currency'."

The motion was adopted.

## DEMAND No. 68—MINT.

**Mr. President:** The question is:

"That a sum not exceeding Rs. 15,71,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1927, in respect of the 'Mint'."

The motion was adopted.

**DEMAND No. 69—CIVIL WORKS.**

**Mr. President:** The question is:

"That a sum not exceeding Rs. 1,55,27,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1927, in respect of 'Civil Works'."

The motion was adopted.

**DEMAND No. 70—SUPERANNUATION ALLOWANCES AND PENSIONS.**

**Mr. President:** The question is:

"That a sum not exceeding Rs. 35,19,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1927, in respect of 'Superannuation Allowances and Pensions'."

The motion was adopted.

**DEMAND No. 71—STATIONERY AND PRINTING.**

**Mr. President:** The question is:

"That a sum not exceeding Rs. 34,27,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1927, in respect of 'Stationery and Printing'."

The motion was adopted.

**DEMAND No. 72—MISCELLANEOUS.**

**Mr. President:** The question is:

"That a sum not exceeding Rs. 16,04,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1927, in respect of 'Miscellaneous'."

The motion was adopted.

**DEMAND No. 73—ADJUSTMENTS WITH PROVINCIAL GOVERNMENTS.**

**Mr. President:** The question is:

"That a sum not exceeding Rs. 6,00,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1927, in respect of 'Adjustments with Provincial Governments'."

The motion was adopted.

**DEMAND No. 74—REFUNDS.**

**Mr. President:** The question is:

"That a sum not exceeding Rs. 54,59,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1927, in respect of 'Refunds'."

The motion was adopted.

**DEMAND No. 75—NORTH WEST FRONTIER PROVINCE.**

**Mr. President:** The question is:

"That a sum not exceeding Rs. 1,13,41,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1927, in respect of the 'North West Frontier Province'."

The motion was adopted.

## DEMAND No. 76—BALUCHISTAN.

**Mr. President:** The question is:

"That a sum not exceeding Rs. 27,22,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1927, in respect of 'Baluchistan'."

The motion was adopted.

## DEMAND No. 77—DELHI.

**Mr. President:** The question is:

"That a sum not exceeding Rs. 35,56,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1927, in respect of 'Delhi'."

The motion was adopted.

## DEMAND No. 78—AJMER-MERWARA.

**Mr. President:** The question is:

"That a sum not exceeding Rs. 13,77,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1927, in respect of 'Ajmer-Merwara'."

The motion was adopted.

## DEMAND No. 79—ANDAMANS AND NICOBAR ISLANDS.

**Mr. President:** The question is:

"That a sum not exceeding Rs. 37,41,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1927, in respect of the 'Andamans and Nicobar Islands'."

The motion was adopted.

## DEMAND No. 80—RAJPUTANA.

**Mr. President:** The question is:

"That a sum not exceeding Rs. 5,36,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1927, in respect of 'Rajputana'."

The motion was adopted.

## DEMAND No. 81—CENTRAL INDIA.

**Mr. President:** The question is:

"That a sum not exceeding Rs. 5,90,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1927, in respect of 'Central India'."

The motion was adopted.

## DEMAND No. 82—HYDERABAD.

**Mr. President:** The question is:

"That a sum not exceeding Rs. 77,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1927, in respect of 'Hyderabad'."

The motion was adopted.

DEMAND No. 83—EXPENDITURE IN ENGLAND—SECRETARY OF STATE FOR INDIA.

**Mr. President:** The question is:

"That a sum not exceeding Rs. 17,47,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1927, in respect of 'Expenditure in England—Secretary of State for India'."

The Assembly divided:

AYES—33.

Abul Kasem, Maulvi.  
Aiyer, Sir P. S. Sivaswamy.  
Akram Hussain, Prince A. M. M.  
Bajpai, Mr. R. S.  
Bhore, Mr. J. W.  
Blackett, The Honourable Sir Basil.  
Bray, Sir Denys.  
Burdon, Mr. E.  
Carey, Sir Willoughby.  
Clow, Mr. A. G.  
Dalal, Sardar B. A.  
Donovan, Mr. J. T.  
Gordon, Mr. R. G.  
Graham, Mr. L.  
Hezlett, Mr. J.  
Hira Singh Brar, Sardar Bahadur Captain.  
Hudson, Mr. W. F.  
Innes, The Honourable Sir Charles.

Jatar, Mr. K. S.  
Lloyd, Mr. A. H.  
Macphail, The Rev. Dr. E. M.  
Mitra, The Honourable Sir Bhupendra Nath.  
Muddimar, The Honourable Sir Alexander.  
Naidu, Rao Bahadur M. C.  
Owens, Lieut.-Col. F. O.  
Rahman, Khan Bahadur A.  
Raj Narain, Rai Bahadur.  
Rau, Mr. P. R.  
Singh, Rai Bahadur S. N.  
Stanyon, Colonel Sir Henry.  
Tonkinson, Mr. H.  
Vernon, Mr. H. A. B.  
Vijayaraghavacharyar, Sir Tiruvalangadi.

NOES—20.

Ahmad Ali Khan, Mr.  
Alimuzzaman Chowdhry, Khan Bahadur.  
Chanda, Mr. Kamini Kumar.  
Das, Mr. B.  
Datta, Dr. S. K.  
Hussanally, Khan Bahadur W. M.  
Hyder, Dr. L. K.  
Jinnah, Mr. M. A.  
Joshi, Mr. N. M.  
Kasturbhai Lalbhai, Mr.

Lohokare, Dr. K. G.  
Makan, Khan Sahib M. E.  
Muhammad Ismail, Khan Bahadur Saiyid.  
Mutalik, Sardar V. N.  
Neogy, Mr. K. C.  
Pal, Mr. Bipin Chandra.  
Ramachandra Rao, Diwan Bahadur M.  
Sadiq Hasan, Mr. S.  
Venkatapatiraju, Mr. B.  
Yakub, Maulvi Muhammad.

The motion was adopted.

DEMAND No. 84—EXPENDITURE IN ENGLAND—HIGH COMMISSIONER FOR INDIA.

**Mr. President:** The question is:

"That a sum not exceeding Rs. 16,43,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1927, in respect of 'Expenditure in England—High Commissioner for India'."

The motion was adopted.

*B.—Expenditure charged to Capital.*

DEMAND No. 85—CAPITAL OUTLAY ON SECURITY PRINTING.

**Mr. President:** The question is:

"That a sum not exceeding Rs. 1,72,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1927, in respect of 'Capital Outlay on Security Printing'."

The motion was adopted.

DEMAND No. 86—IRRIGATION.

**Mr. President:** The question is:

"That a sum not exceeding Rs. 1,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1927, in respect of 'Irrigation'."

The motion was adopted.

DEMAND No. 87—INDIAN POSTS AND TELEGRAPHS.

**Mr. President:** The question is:

"That a sum not exceeding Rs. 60,89,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1927, in respect of 'Indian Posts and Telegraphs'."

The motion was adopted.

DEMAND No. 88—INDO-EUROPEAN TELEGRAPHS.

**Mr. President:** The question is:

"That a sum not exceeding Rs. 1,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1927, in respect of 'Indo-European Telegraphs'."

The motion was adopted.

DEMAND No. 89—CAPITAL OUTLAY ON VIZAGAPATAM HARBOUR.

**Mr. President:** The question is:

"That a sum not exceeding Rs. 48,70,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1927, in respect of 'Capital outlay on Vizagapatam Harbour'."

The motion was adopted.

DEMAND No. 90—COMMUTED VALUE OF PENSIONS.

**Mr. President:** The question is:

"That a sum not exceeding Rs. 20,00,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1927, in respect of 'Commuted Value of Pensions'."

The motion was adopted.

DEMAND No. 91—NEW CAPITAL AT DELHI.

**Mr. President:** The question is:

"That a sum not exceeding Rs. 97,48,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1927, in respect of 'New Capital at Delhi'."

The motion was adopted.

*C.—Disbursements of Loans and Advances.*

DEMAND No. 92—INTEREST-FREE ADVANCES.

**Mr. President:** The question is:

"That a sum not exceeding Rs. 1,02,85,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1927, in respect of 'Interest-free Advances'."

The motion was adopted.

DEMAND No. 93--~~LOANS AND ADVANCES BEARING INTEREST.~~

**Mr. President:** The question is:

"That a sum not exceeding Rs. 9,35,72,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1927, in respect of 'Loans and Advances bearing Interest'."

The motion was adopted.

The Assembly then adjourned till Eleven of the Clock on Monday, the 15th March, 1926.







# LEGISLATIVE ASSEMBLY.

*Monday, 15th March, 1926.*

The Assembly met in the Assembly Chamber at Eleven of the Clock,  
Mr. President in the Chair.

## QUESTIONS AND ANSWERS.

### · VERIFICATION OF THE BALANCE SHEETS OF THE ARMY CANTEN BOARD (INDIA).

1233. **\*Raja Ghazanfar Ali Khan:** Will the Government be pleased to state if the auditors have verified the balance sheets hitherto issued by the Army Canteen Board by personally visiting all the places and whether the auditors have checked all their stocks and obtained the verifications in writing of all the creditors of the Board in order to find out whether the liabilities of the Board are covered by the items shown under this head in the balance sheets?

**Mr. E. Burdon:** Government have no information and do not propose to inquire into these details. The auditors are a firm of high standing and must be presumed to know their own business. They have certified on the balance sheet that they received all the information and explanation that they required.

### · PROFITS OF THE ARMY CANTEN BOARD (INDIA).

1234. **\*Raja Ghazanfar Ali Khan:** Will the Government be pleased to state how much profit the Army Canteen Board has earned since its establishment in the year 1921 and up to the closing of its last financial year and in what manner the proceeds were utilised?

**Mr. E. Burdon:** Taking the period mentioned by the Honourable Member as a whole, the operations of the Board show a loss and not a profit. There has, therefore, been no question of the utilization of profits so far.

### · AMOUNT OF INCOME-TAX PAID BY THE ARMY CANTEN BOARD (INDIA) DURING THE YEARS 1922—25.

1235. **\*Raja Ghazanfar Ali Khan:** Will the Government be pleased to state, how much income-tax the Army Canteen Board has paid during the years 1922—25? If no income-tax has been paid, is it not a loss to the Indian Treasury?

**The Honourable Sir Basil Blackett:** I am afraid I can only refer the Honourable Member to my answer to his question No. 28 on this subject on the 22nd January, 1925.

PAYMENT BY THE ARMY CANTEN BOARD (INDIA) OF REBATE DUE TO REGIMENTS.

1236. **\*Raja Ghazanfar Ali Khan:** Are Government aware that the payment of rebate due to regiments was not made by the Army Canteen Board for several months? If so, will the Government be pleased to state if this is a breach or not of the terms of contract agreed upon by the Army Canteen Board, and if so, why this irregularity has been allowed, and what steps do Government propose to take to prevent a repetition of this irregularity in future?

**Mr. E. Burdon:** Government understand that the payment of rebate to regiments was delayed during the year 1925, owing to the shortage of ways and means, but that all rebate due was finally paid and has been paid up to the 6th February, 1926. Government do not propose to take any specific step in this particular matter at present as they do not think it is necessary to do so.

PROFIT AND LOSS ACCOUNT OF THE ARMY CANTEN BOARD (INDIA)  
FROM 1ST AUGUST, 1924, TO 31ST JULY, 1925.

1237. **\*Raja Ghazanfar Ali Khan:** Will the Government be pleased to lay on the table the profit and loss account of the Army Canteen Board from 1st August, 1924, to 31st July, 1925?

TOTAL LOSS INCURRED BY THE ARMY CANTEN BOARD (INDIA) SINCE ITS ESTABLISHMENT UP TO THE 31ST JULY, 1925.

1238. **\*Raja Ghazanfar Ali Khan:** Will the Government be pleased to state the total loss incurred by the Army Canteen Board, since its establishment up to 31st July, 1925, and also all the irrecoverable expenses?

**Mr. E. Burdon:** With your permission, Sir, I propose to answer questions Nos. 1237 and 1238 together.

The attention of the Honourable Member is invited to the reply given on the 12th February, 1926, to part (a) of starred question No. 756. For the reason then given, I am unable to furnish the information desired.

PAYMENT BY THE ARMY CANTEN BOARD (INDIA) OF REBATE DUE TO REGIMENTS.

1239. **\*Raja Ghazanfar Ali Khan:** Is it true that the Army Canteen Board pays much less rebate than what the regiments received from private contractors and as a result Commanding Officers cannot give the same amount of donation which they formerly used to pay to messing, sport and other funds for the benefit of the troops?

**Mr. E. Burdon:** The answer to the first part of the question is in the negative. The second does not arise.

REFUSAL OF THE MURREE BREWERY TO SUPPLY BEER ON CREDIT TO THE ARMY CANTEN BOARD (INDIA).

1240. **\*Raja Ghazanfar Ali Khan:** Are Government aware that the Murree Brewery declined to supply beer to the Army Canteen Board on credit from 16th July, 1925, and thus the beer of other brands was forced on the troops which in most cases they did not like? Will the Government be pleased to state what steps, if any, have been taken to stop this practice?

**Mr. E. Burdon:** The Agents of the Brewery declined to supply beer on credit from the 16th of July to the 24th October, 1925, during which period the Board purchased their requirements of Murree beer for cash. The Agents now supply the Board on credit as before. At no time have regiments been unable to purchase this or any other brand of beer that they demanded. The latter part of the question does not arise.

AMOUNT OF REBATE PAID BY THE ARMY CANTEN BOARD (INDIA) TO OFFICERS' SHOPS AND INDIAN SHOPS AT RAZMAK.

1241. **\*Raja Ghazanfar Ali Khan:** Will the Government be pleased to state the amount of rebate the Army Canteen Board is paying for the officers' shops and Indian shops including those of vegetables, fruits, eggs, etc., at Razmak on all cash and credit sales and to whom such rebate is paid?

**Mr. E. Burdon:** Rebate is payable at Razmak at the following rates:

*Officers' Shops.*—5 per cent. discount to customers and 2½ per cent. rebate on all sales to the Brigade Commander.

*Indian Shops.*—5 per cent. rebate on all sales to the Officer Commanding the regiment supplied

DISSATISFACTION WITH THE WORKING OF THE ARMY CANTEN BOARD (INDIA).

1242. **\*Maulvi Muhammad Yakub:** Are Government aware that the soldiers, Presidents of Regimental Institutes and the Officers Commanding of the units served by the Army Canteen Board are generally dissatisfied with the working of the Board?

**Mr. E. Burdon:** The attention of the Honourable Member is invited to the reply given on the 7th September, 1925, to part (b) of starred question No. 688. It is the case that considerable dissatisfaction has been expressed.

AMALGAMATION OF THE ARMY CANTEN BOARD (INDIA) WITH THE SUPPLY AND TRANSPORT DEPARTMENT.

1243. **\*Maulvi Muhammad Yakub:** Will the Government be pleased to state if it is proposed to amalgamate the Army Canteen Board with the Supply and Transport? If so, are Government aware that the proposed amalgamation will interfere with the Government's established policy of non-intervention in the free course of public trade?

**Mr. E. Burdon:** The answer to the first part of the question is in the negative. The second part does not arise.

DESIRE OF THE GOVERNMENT TO RETAIN THE ARMY CANTEN BOARD (INDIA).

1244. **\*Maulvi Muhammad Yakub:** Is it a fact that the Government wish to retain the organization of the Army Canteen Board with a view to utilising it during occasions of war?

**Mr. E. Burdon:** Yes, Sir. Government would like to do so, if possible.

## ABOLITION OF THE ARMY CANTEN BOARD (INDIA).

1245. **\*Maulvi Muhammad Yakub:** Are Government aware that the firms and traders, who have been hitherto serving the troops, are ready to work in complete accordance with the desires of the Government and are willing to take over the stock of saleable goods of the Army Canteen Board at market rates if the Government decide to abolish that organization?

**Mr. E. Burdon:** No, Sir.

UTILISATION OF THE SERVICES OF PRIVATE FIRMS TO CATER TO THE  
NEEDS OF BRITISH UNITS IN THE EASTERN AND SOUTHERN  
COMMANDS.

1246. **\*Maulvi Muhammad Yakub:** Is it a fact that in the Eastern and Southern Commands private firms are serving all British units stationed there?

**Mr. E. Burdon:** The answer is in the affirmative.

## UNSATISFACTORY WORKING OF THE ARMY CANTEN BOARD (INDIA).

1247. **\*Maulvi Muhammad Yakub:** Are Government aware that there have been general complaints from the rank and file of the British troops regarding the unsatisfactory working and the lack of management of the Army Canteen Board and that the inauguration of the said organisation instead of benefiting His Majesty's British troops in India has seriously affected their comforts?

**Mr. E. Burdon:** I would refer the Honourable Member to the reply which I have just given to one of his previous questions. The second part of the present question deals with a matter of opinion and as to that I would suggest to my Honourable friend that he should wait to see the report of the Committee of Inquiry.

VENTILATION OF THE GRIEVANCES OF REGIMENTS REGARDING THE  
WORKING OF THE ARMY CANTEN BOARD (INDIA).

1248. **\*Maulvi Muhammad Yakub:** Are Government aware that the presence of high Government officials as Chairman and members of the Board of management influences the regiments from freely ventilating their complaints and grievances regarding the working of the Army Canteen Board (India)?

**Mr. E. Burdon:** No, Sir. The experience of Government is to the contrary.

DISSATISFACTION WITH THE WORKING OF THE ARMY CANTEN BOARD  
(INDIA).

1249. **\*Maulvi Muhammad Yakub:** (a) Are Government aware that the majority of the Commanding Officers and troops who are served by the Army Canteen Board, are dissatisfied with their service and wish to adopt the old contract system as being more advantageous to the troops?

(b) If the reply is in the negative do Government propose to call for reports from the Commanding Officers of all regiments served by the Army Canteen Board?

**Mr. E. Burdon:** (a) The attention of the Honourable Member is invited to the reply which I have just given to a previous question on the same subject.

(b) The Government do not propose to call for such reports. The report of the Committee of Inquiry furnishes all the information required on the point.

INABILITY OF THE ARMY CANTEN BOARD TO RUN THEIR BAKERIES  
AND MINERAL WATER FACTORIES.

1250. **\*Maulvi Muhammad Yakub:** (a) Is it a fact that the Army Canteen Board have been unable to arrange to run themselves the bakery of the regiments they serve in the Murree Hills and the mineral water factories in Murree, Dalhousie and the Simla Hills?

(b) If the reply is in the affirmative, will the Government be pleased to state why this has been allowed in the face of the undertaking given by the Army Canteen Board to run all their Institutes themselves?

**Mr. E. Burdon:** (a) The Army Canteen Board (India) conducted their own bakeries for regiments they served in the Murree Hills during the season 1925. They sub-let some of the mineral water factories in Murree, Dalhousie and the Simla Hills during the season 1925, because the mineral water plants which were being imported had not been received.

(b) No such undertaking was given. In this connexion, I would invite the Honourable Member's attention to Army Instruction (India) No. 881 of 1921.

OPENING OF NEW OFFICERS' SHOPS IN DIFFERENT CANTONMENTS BY THE  
ARMY CANTEN BOARD (INDIA).

1251. **\*Maulvi Abul Kasem:** Is it a fact that new Officers' shops are being opened by the Army Canteen Board in different Cantonments and that tradesmen who are established there are affected injuriously thereby?

**Mr. E. Burdon:** The answer to the first part of the question is in the affirmative. With regard to the second part, I would invite the attention of the Honourable Member to the answer given by me to question No. 886 (a) on the 16th February, 1925.

SUPPLY OF GOODS TO CIVILIANS BY THE ARMY CANTEN BOARD (INDIA).

1252. **\*Maulvi Abul Kasem:** Is it a fact that the Army Canteen Board is meant to supply goods only to troops and British officers? If so, what check have the Government against their supplying goods to civilians on cash payment?

**Mr. E. Burdon:** I would invite the attention of the Honourable Member to the answer given by Mr. Pate to question No. 1415 on the 9th June 1924.

GRANT OF AN ADDITIONAL LOAN OF RS. 15 LAKHS TO THE ARMY  
CANTEN BOARD (INDIA).

1253. **\*Maulvi Abul Kasem:** (a) Will the Government be pleased to state why an additional loan of Rs. 15 lakhs was granted to the Army Canteen Board after the loan of Rs. 10 lakhs by special sanction of the Secretary of State?

(b) Was the condition of the Board satisfactory at the time the loan of Rs. 15 lakhs was given?

(c) What amount if any has the Board paid back so far to the Imperial Bank out of the total amount of loan taken from it?

**Mr. E. Burdon:** (a) The additional loan of Rs. 15 lakhs was granted to the Board on the recommendation of the Committee of Inquiry, expressed very strongly in an *ad interim* report.

(b) No.

(c) Rs. 1,50,000 of the amount advanced by the Imperial Bank of India has been refunded.

**Raja Ghazanfar Ali Khan:** May I ask what has happened to that Report?

**Mr. E. Burdon:** There is a question on the paper with regard to that; if my Honourable friend will wait, I will answer it.

#### THE ARMY CANTEEN BOARD (INDIA).

1254. **\*Maulvi Abul Kasem:** Are Government aware that the organization of the Army Canteen Board is being helped at the expense of the British troops?

**Mr. E. Burdon:** I am afraid I do not understand the Honourable Member's question. If he will be more explicit, I shall endeavour to answer him.

#### GRANT OF AN ADDITIONAL LOAN OF RS. 5 LAKHS TO THE ARMY CANTEEN BOARD (INDIA).

1255. **\*Maulvi Abul Kasem:** With reference to the reply of Mr. Burdon on 6th March, 1925, to questions Nos. 1148 to 1150 by Khan Bahadur Wali Mohammad Hussanally, "that the Government of India have accordingly decided, with the sanction of the Secretary of State, to increase the Government guarantee of capital by 5 lakhs up to a total sum of Rs. 25 lakhs. The Government of India trust that with the addition to the working capital and with the increased receipts from new business in the Lahore District, the Army Canteen Board will no longer find it necessary to trade upon terms of credit extended beyond the usual commercial practice", will the Government be pleased to state why an additional loan of Rs. 5 lakhs was sanctioned soon after the above 5 lakhs?

**Mr. E. Burdon:** The Board's financial position had been affected by the attacks made upon it, to an extent which had not been fully realised and the additional loan was necessary to the purpose in view, the satisfaction of creditors.

#### DELAY BY THE ARMY CANTEEN BOARD (INDIA) IN THE SETTLEMENT OF THE CLAIMS OF THEIR CREDITORS.

1256. **\*Maulvi Abul Kasem:** Is it a fact that in spite of the additional loan of Rs. 10 lakhs sanctioned for the Army Canteen Board in March last, the creditors of the Board were still kept waiting in most cases even for six months for the payment of their dues? If the reply is in the affirmative, what steps have the Government taken in the matter?

**Mr. E. Burdon:** The attention of the Honourable Member is invited to the reply given on the 12th February, 1926 to starred question No. 755.

**OPENING OF OFFICERS' SHOPS BY THE ARMY CANTEN BOARD (INDIA).**

1257. **\*Maulvi Abul Kasem:** Is it a fact that the Army Canteen Board is opening Officers' shops in their area?

**Mr. E. Burdon:** I would invite the attention of the Honourable Member to the reply which I have just given to starred question No. 1251.

**COMPETITION OF THE ARMY CANTEN BOARD (INDIA) WITH PRIVATE TRADERS IN RAZMAK.**

1258. **\*Maulvi Abul Kasem:** Are Government aware that owing to the existence of the Army Canteen Board the private dealers at Razmak (Waziristan) were forbidden to sell toilet and smoking requisites, groceries, tinned provisions, etc., which goods they were supplying for the benefit of the troops since the establishment of the said camp?

**Mr. E. Burdon:** The Army Canteen Board, India, commenced trading in Razmak from the opening of the camp at that place. The monopoly of trade, which the Board were first granted ended in July 1925 and it is now open to private dealers to carry on their trade there.

**ISSUE BY THE ARMY CANTEN BOARD (INDIA) OF RAILWAY CREDIT NOTES.**

1259. **\*Maulvi Abul Kasem:** Is it a fact that the Army Canteen Board is now in the same position as the Army in regard to the payments to the Railway and that it issues credit notes in lieu of cash payment for freight on their goods as is done by the Army? If the reply is in the affirmative, will the Government be pleased to state how often the account is settled and whether under the extension of this privilege the guarantee of the Government for this item of credit is in addition to the guarantee of loan from the Imperial Bank?

**Mr. E. Burdon:** Government are informed that the Army Canteen Board, India, does issue railway credit notes in lieu of cash payment for freight on their goods, as is done by many large commercial undertakings, but that they pay ordinary commercial freight rates and not army rates. The account has been settled up to and for December 1925.

**\* RATE OF INTEREST PAID BY THE ARMY CANTEN BOARD (INDIA) ON THEIR LOAN FROM THE IMPERIAL BANK OF INDIA.**

1260. **\*Maulvi Abul Kasem:** Will the Government be pleased to state the rate of interest paid to the Imperial Bank of India by the Army Canteen Board for the amount advanced to it on Government guarantee and also the total amount thus paid by the Army Canteen Board up to 31st July, 1925?

**Mr. E. Burdon:** The Army Canteen Board, India, paid interest at 2 per cent. below the bank rate to the Imperial Bank of India up to the 7th October, 1924, since which date interest has been paid at the bank rate.

The total amount of interest paid by the Board up to the 31st July, 1925 was Rs. 2,01,081-15-3.

### FURTHER LOANS TO THE ARMY CANTEN BOARD (INDIA).

1261. **\*Maulvi Abul Kasem:** Have Government sanctioned any more loans to the Army Canteen Board besides Rs. 45 lakhs or do they intend to do so?

**Mr. E. Burdon:** The answer to the first part of the question is in the negative. As regards the second, the Government are unable to make any statement of their future policy in the matter until a decision has been reached on the Report of the Committee of Inquiry.

**Khan Bahadur W. M. Hussanally:** May I ask the Honourable Member under what law these advances or loans are made to the Army Canteen Board?

**Mr. E. Burdon:** That question has already been asked and answered in this House.

**Khan Bahadur W. M. Hussanally:** May I ask what it is?

**Mr. E. Burdon:** I will refer the Honourable Member later, if he finds it necessary, to the particular proceedings in which the question was asked and the answer given.

**Khan Bahadur W. M. Hussanally:** May I know, in view of the fact that there have been several questions on the matter of the Army Canteen Board in this House, whether the Government propose to appoint any committee upon which this House will be well represented, to inquire into the whole matter?

**Mr. E. Burdon:** I think my Honourable friend himself has got a question on the paper on that point this morning.

### REPORTS FROM THE MILITARY FOOD LABORATORY ON SAMPLES DRAWN FROM THE INSTITUTES SERVED BY THE ARMY CANTEN BOARD (INDIA).

1262. **\*Maulvi Abul Kasem:** Will the Government be pleased to lay on the table all reports from the Military Food Laboratory on samples drawn from the Institutes served by the Army Canteen Board?

**Mr. E. Burdon:** No, Sir.

### COMPLAINT OF BABU HIRALAL GOENKA REGARDING THE ADMINISTRATION OF THE INCOME-TAX DEPARTMENT, CALCUTTA.

1263. **\*Mr. Ambika Prasad Sinha:** Will the Government be pleased to state whether the Honourable the Finance Member has received a petition from Babu Hiralal Goenka of Calcutta, complaining about the administration of the Income-tax Department of Calcutta?

### GRANT OF PERMISSION TO BABU HIRALAL GOENKA TO START LEGAL PROCEEDINGS AGAINST SOME PERSONS WHO ARE ALLEGED TO HAVE DEFRAUDED THE INCOME-TAX DEPARTMENT, CALCUTTA.

1264. **\*Mr. Ambika Prasad Sinha:** (a) Is it a fact that Hiralal Goenka and some other petitioners have asked for permission to start proceedings in a court of justice against some persons who are alleged to have



defrauded the Department and whose silence and taking no steps has made the Government lose lakhs of rupees yearly? If so, are Government prepared to grant sanction or raise no objection against such proceedings being started?

(b) Do Government propose to consult the Law Officers of the Crown and the Honourable the Law Member about the matter?

(c) Do Government propose to hold an open inquiry in the matter?

**The Honourable Sir Basil Blackett:** I will circulate the answer, Sir.

**Mr. President:** Dr. Lohokare.

**Mr. K. Ahmed:** Sir, may I put the question, No. 1263, in the absence of the Member?

**An Honourable Member:** Have you been authorised to put it?

**Mr. K. Ahmed:** I have been authorised, and, under the standing orders and rules of this Assembly, I am entitled to ask it.

**Mr. President:** Dr. Lohokare.

**Mr. K. Ahmed:** Sir, may I first have the answer to No. 1263, as we will not get another opportunity this Session? May I ask you, Sir, to call upon me to put the question?

**The Honourable Sir Basil Blackett:** I will circulate the answer, Sir.

**Mr. K. Ahmed:** When, Sir, will the answer be given and the circulation take place—within this week?

**The Honourable Sir Basil Blackett:** To-day, Sir.

**Mr. K. Ahmed:** Shall we be in a position to go into the details of the answer on its circulation? If the answer is given now we might get an opportunity of doing that here.

**The Honourable Sir Basil Blackett:** If the Honourable Member wants a copy of the answer to the question I will give it to him now.

**Mr. K. Ahmed:** Will the Honourable Member kindly read it, so that the benefit of the country might be served?

**The Honourable Sir Basil Blackett:** I do not see how the answering of it will be particularly beneficial to the country.

**Mr. K. Ahmed:** Is it not a fact, Sir, that so much loss is incurred and the Government do not propose to go into the matter?

**Mr. President:** Dr. Lohokare.

(Mr. K. Ahmed again rose in his place.)

**Honourable Members:** Order, order.

(The answer to questions Nos. 1263 and 1264 are printed immediately below.)

**The Honourable Sir Basil Blackett:** The Government recently received a petition making certain vague general allegations against certain persons not named. This has been sent to the Commissioner of Income-tax, Bengal, for disposal. They have also received a copy of a petition addressed to the Government of Bengal alleging that certain persons had committed certain offences under the Indian Penal Code, and praying for

sanction to launch a prosecution. They understand that the petitioner's Counsel was told that if he was in the possession of any evidence that would justify the grant of the sanction prayed for he should produce it before the Commissioner of Income-tax, Bengal; and that though this order was passed some months ago he has not complied with it. Where a criminal court cannot take cognizance of a complaint presented to it without the sanction of the Government of India or a Local Government, such sanction can obviously not be granted unless the complainant shows definite and *prima facie* valid ground for granting it.

The Government have also recently received a petition stating that a certain person was making use of his pretended influence with high officials to blackmail members of the Calcutta public in connection with income-tax matters. No allegation has been made against any Member of the Income-tax Department in Bengal by name. If any such definite allegation had been made, the officer concerned would probably have been directed to clear his character in a court of law. The Government are not prepared to order that an open inquiry should be held as suggested.

#### REDUCTION OF THE NUMBER OF INDIAN OFFICERS EMPLOYED IN THE INDIAN ARMY SERVICE CORPS.

1265. **\*Dr. K. G. Lohokare:** Will Government be pleased to say:

- (a) what is the number of permanent and temporary appointments in the Indian Army Service Corps held by Viceroy's Commissioned Officers, Indian N. C. Os. and British Warrant and N. C. Os. in the following branches—(1) supply, (2) animal transport, (3) mechanical transport?
- (b) if there are any proposals under consideration to reduce the number of appointments held by Indian officers and to increase those held by British Warrant and N. C. Os. in any of the above branches?
- (c) if so, what is the number of Indian officers to be so reduced and the number of British to be increased?
- (d) what considerations led Government to contemplate this change?
- (e) how would the Indian officers to be reduced be provided for in the future?

**Mr. F. Burdon:** (a) A statement giving the information desired by the Honourable Member is laid on the table.

(b), (c), (d) and (e). 70 appointments for Indian officers holding the Viceroy's Commission were created since the war in the Supply Branch. This measure has not proved altogether a success, there has been a dearth of candidates, and up till now it has been possible to fill no more than 40 of the appointments by Indian officers. The remaining 30 posts are vacant. The matter has accordingly been re-examined by the Government of India. But the result is not likely to be that apprehended by the Honourable Member. It is proposed if possible to devise measures which will ensure a supply of competent Indian candidates. In the meantime the appointments for which Indian officer candidates are not forthcoming may be filled temporarily by British warrant officers and non-commissioned officers until such time as Indian officers are available. There is no present intention of reducing the number of Indian officers already employed in this Branch.

*Statement giving the information desired in part (a) of starred question No. 1265.*

(a) The permanent appointments are :

	Br. War- rant Os. & N. C. Os.	Viceroy's commissioned officers.	Indian N. C. Os.
(1) Supply . . . . .	387	70	...
(2) Animal Transport . . . . .	88	184	1,244
(3) M. T. . . . .	400†	34	281

The temporary appointments are :

(1) I. A. S. C. Arrears Section (a temporary formation to dispose of claims for pay, pen- sions and medals arising out of the Great War) . . . . .	3	...	...
(2) Animal Transport . . . . .	...	...	...
(3) M. T. . . . .	11	2	10

**Dr. K. G. Lohokare:** In the case of these vacancies do Government propose to take up the recruitment of educated Indians by direct recruitment?

**Mr. E. Burdon:** Government have not yet settled the details of the terms and conditions on which future recruitment will be carried out. The matter is at the moment under consideration.

**Dr. K. G. Lohokare:** Will this be considered then?

**Mr. E. Burdon:** Certainly it will.

**Khan Bahadur W. M. Hussanally:** May I ask, Sir, what is the signification of the letters "N. C. O"? Do they mean non-co-operators? (Laughter.)

INDIAN, ANGLO-INDIAN AND BRITISH OFFICERS WITH HONORARY  
KING'S COMMISSIONS ON THE EFFECTIVE AND NON-EFFECTIVE  
LISTS OF THE INDIAN ARMY OR ITS DEPARTMENTS.

1266. \***Dr. K. G. Lohokare:** Will Government be pleased to state :

- what is the highest position Indian, Anglo-Indian and British officers with honorary King's commissions can rise to in (1) regular effective and non-effective, (2) medical, (3) Army Service Corps?
- if there is any percentage or number fixed for the Indian and Anglo-Indian and British officers in each honorary commission rank? If so, what is the number and percentage to the strength of each in the case of Indian and British officers?
- if it is a fact that many British officers holding honorary commissions can rise to be Majors or Lieutenant-Colonels in the above branches, while Indians hold but few such commissions if any?

**Mr. E. Burdon:** (a) and (c). There is no British or Anglo-Indian officer holding an honorary King's Commission on the effective list of the Indian Army or its departments. On the non-effective list there is no British

officer, but there are between 60 and 70 Ruling Princes and Indian Nobles and one Anglo-Indian gentleman, holding honorary King's Commissions in various ranks from Lieutenant-General to 2nd-Lieutenant. Their names and ranks will be found on pages 58 and 59 of the January, 1926, Supplement to the Indian Army List. Regular Indian officers on the effective and retired lists are granted honorary King's Commissions as Captains and Lieutenants only.

(b) The answer is in the negative.

**INDIAN, ANGLO-INDIAN AND BRITISH OFFICERS WITH HONORARY  
KING'S COMMISSIONS ON THE EFFECTIVE AND NON-EFFECTIVE  
LISTS OF THE INDIAN ARMY OR ITS DEPARTMENTS.**

1267. **\*Dr. K. G. Lohokare:** Will Government be pleased to give information as per the following table—as available preferably for January, 1926?

Branch.	LIEUTENANTS, HONORARY.		CAPTAINS, HONORARY.		MAJORS, HONORARY.		LIEUT.- COLONELS, HONORARY.		TOTAL.	
	Indian.	British and Anglo- Indian.	Indian.	British and Anglo- Indian.	Indian.	British and Anglo- Indian.	Indian.	British and Anglo- Indian.	Indian.	British and Anglo- Indian.
Army Service Corps .										
Medical Department .										
Regular effective and non-effective.										

**Mr. E. Burdon:** I have already stated in answer to the previous question that there is no British or Anglo-Indian officer holding an honorary King's Commission on the effective list, and one Anglo-Indian only on the non-effective list. The information cannot therefore usefully be given in the form asked for by the Honourable Member. As regards Indians, I would refer him to page 60 of the Supplement to the Indian Army List, January, 1926, which gives particulars of Indians on the effective list holding honorary King's Commissions, and to pages 61—70, which gives particulars of those on the retired list.

**Dr. K. G. Lohokare:** That means that Indians holding honorary Commissions have no chance of getting further lifts?

**Mr. E. Burdon:** I have already told the Honourable Member in reply to one of his questions that there are Indian gentlemen holding honorary Commissions in the rank of Lieutenant-General.

**Dr. K. G. Lohokare:** Only one.

**SUMMONING OF EXPERT WITNESSES BEFORE THE SELECT COMMITTEE ON THE INSURANCE BILL.**

1268. **\*Dr. K. G. Lohokare:** Will Government be pleased to say if they have under consideration any proposal:

- (a) to add to the Select Committee on the Bill to regulate Insurance business in India—members expert in Insurance business co-opted or temporarily nominated?
- (b) to call before the Select Committee expert witnesses representing Indian Insurance business?

**The Honourable Sir Charles Innes:** It will be for the Select Committee to decide whether they wish to examine expert witnesses. They cannot of course be members of the Committee.

**PUBLICATION OF CONTRACTS RELATING TO THE REQUIREMENTS OF THE ARMY DEPARTMENT.**

1269. **\*Dr. K. G. Lohokare:** Will Government be pleased to say if particulars of future contracts to be placed by the Director of Contracts, Military Supply, are published in the *Indian Trade Journal* or any other widely known paper? If not, what are the reasons? Are there any particular reasons for avoiding wide publicity to the usual requirements of supply of the Army Department?

**Mr. E. Burdon:** The answer to the first part of the question is in the negative. For further particulars I would refer the Honourable Member to the reply given on the 22nd September, 1924, to starred question No. 2310.

**Dr. K. G. Lohokare:** But what are the reasons for not publishing them, may I know, Sir?

**Mr. E. Burdon:** They are given in the answer to which I have referred the Honourable Member.

**Dr. K. G. Lohokare:** All the reasons?

**Mr. E. Burdon:** Yes.

**DIMENSIONS OF THE BALL ROOM IN THE NEW GOVERNMENT HOUSE, RAISINA.**

1270. **\*Mr. W. S. J. Willson:** (a) Is it a fact that the Ball Room in the new Government House, Raisina, is only about 60 feet in length?

(b) What is its floor space compared with the Ball Room at Delhi?

(c) Do Government propose to extend the Ball Room at Raisina now at both ends before the structure proceeds further according to present designs?

**The Honourable Sir Bhupendra Nath Mitra:** (a) The Ball Room is 66 feet long and 62 feet wide and the dancing space measures 4,090 square feet.

(b) The Ball Room in Viceregal Lodge at Delhi measures 136' x 50' overall giving a total area of 6,800 square feet, but from this must be deducted the area occupied on the floor by the dais which measure 1,550 square feet and the Band occupies an area 170 square feet, so that the

effective dancing area is 5,080 square feet. In order to compare this with the new Ball Room the fact must be borne in mind that there are arcades at each end of the Ball Room having a space of 1,776 square feet making the total area 5,866 square feet. There is also an ante room connected with the Ball Room by arches which allows another 780 square feet of dancing space and a neighbouring small drawing room measuring 1,444 square feet where the Band will also be heard.

(c) Structural alterations are now impossible.

**Mr. N. M. Joshi:** May I ask, Sir, whether the Government propose to hold a conference of the old and experienced dancing Members of this House as to the structure of the dancing hall?

**Maulvi Muhammad Yakub:** May I know, Sir, if the Government propose to construct a Ball Room attached to the new Assembly Chamber, at Raisina, for the use of Members only?

#### ALLEGED LOSS ON THE PURCHASE OF COAL FOR STATE RAILWAYS.

1271. **\*Sir Hari Singh Gour:** (a) Has the attention of Government been drawn to the statement contained in the *Servant*, dated Monday, the 22nd February, 1926, in which it is alleged that the Government have lost more than Rs. 15 lakhs from the Public Exchequer on account of its purchase of coal at prices higher than those of other tenders?

(b) Is it a fact that Teetulmari and Mudidih coals have been bought at Rs. 5 while similar coal which was offered at Rs. 4 and Rs. 4-4-0 have not been accepted?

(c) Is it a fact that Jambad and Faridpur coals have been bought at Rs. 4-11-0 and Rs. 5 while similar coals were offered at Rs. 4?

(d) Is it a fact that Kusunda and Nyadee coals were purchased in large quantities at Rs. 3-12-0 against other offers at Rs. 3?

(e) Will the Government be pleased to publish a full list of tenders received and the prices at which the coals were offered?

#### ALLEGED LOSS OF THE PURCHASE OF COAL FOR STATE RAILWAYS.

1272. **\*Sir Hari Singh Gour:** (a) Is it a fact that the Government did not accept the lowest tenders? If so, why?

(b) Is it a fact that the Chief Mining Engineer is a new man to the work?

(c) Do Government propose to make a full inquiry into the allegations of loss of public revenue by non-acceptance of the lowest tenders?

**The Honourable Sir Charles Innes:** I propose with your permission, Sir, to reply to questions Nos. 1271 and 1272 together.

The Government of India have seen the article referred to, but they attach no importance to the statements made in it. It is obvious that they were inspired by disappointed tenderers. As the Indian Coal Committee pointed out Jharria coals vary remarkably in quality. Not only do the majority of the seams vary in quality in different parts of the Jharria Field, but there is frequently a large variation in quality of the different sections of a seam in the same mine. The same remark, but in lesser

degree, applies to coals in the Ranigunj field. It is no argument to say, therefore, that because the coal of such and such a mine was bought at such and such a price it would have been cheaper to buy the coal of another mine at a lower price. The Chief Mining Engineer, who advises the Railway Board in the matter of purchasing of coal for State Railways, and who is not a new man to the work, maintains a very complete record of the analyses of Indian coals, and the Railway Board are satisfied that his proposals were based solely on considerations of price, quality, loading arrangements and management generally and were the result of a census of informed knowledge. The Railway Board have published all the information about the tenders which it is usual for them to publish and the Government of India are not prepared to make any inquiry into the allegations in this connection.

**THE CIVIL DEPARTMENT'S SHARE OF THE SALE OF UNIFIED STAMPS.**

1273. **\*Mr. Devaki Prasad Sinha:** (a) Is it a fact that the Civil Department's share of the sale of unified stamps for 1923-24 was estimated at Rs. 19,01,000 and that estimated for 1924-25 was Rs. 47,39,000?

(b) Will the Government please explain the cause of this heavy increase? Will they be pleased to lay on the table a statement showing the amount claimed by each Local Government? What were the data on the basis of which the Civil Department's share was ascertained?

**The Honourable Sir Basil Blackett:** (a) The answer is in the affirmative.

(b) The increase is due to the revision of the assignments to the Local Governments which had been fixed in 1906. A statement showing the amount claimed by each Local Government is placed on the table.

The revised assignments have been fixed both with reference to the growth of revenue since 1906 and with reference to the increases in the rates of duty made in October 1923. The calculations were chiefly based on an analysis of the figures of revenue from general stamps.

*Statement.*

(Figures in thousands of rupees.)

Province.	Revised assignment claimed on account of growth of revenue since 1906.	Assignment on account of last year's increase.	REMARKS.
Madras . . . . .	7,40	1,48	Additional sum on account of Promissory notes.
Bombay . . . . .	7,80	58	
Bengal . . . . .	1,000	2,00	All these Governments left it to the Government of India to determine the figures in column (3).
United Provinces . . . . .	1,35	20	
Punjab . . . . .	3,75	?	
Burma . . . . .	3,75	?	
Bihar and Orissa . . . . .	1,00	?	
Central Provinces . . . . .	1,40	?	
Assam . . . . .	35	?	
Coorg . . . . .	?	?	

### POST OFFICE SHARE OF THE SALE OF POSTAGE STAMPS.

1274. **\*Mr. Devaki Prasad Sinha:** Did the Post Office share of the sale of postage stamps amount to Rs. 5,37,26,010 in 1924-25, which gives a ratio of 1 : 11·3?

**The Honourable Sir Basil Blackett:** The reply is in the affirmative.

### PRINTING OF SEPARATE RECEIPT STAMPS.

1275. **\*Mr. Devaki Prasad Sinha:** Do Government propose to print separate receipt stamps to enable a correct apportionment of revenue?

**The Honourable Sir Basil Blackett:** The Government have no present intention of doing so.

### INCREASE IN THE PENSIONARY CHARGES OF THE POSTS AND TELEGRAPH DEPARTMENTS.

1276. **\*Mr. Devaki Prasad Sinha:** From page 11 of the Detailed Budget statement for the year 1926-27 of the Posts and Telegraphs Department, the pensionary charges for 1924-25 is found to have been Rs. 33,60,683 and in 1925-26, Rs. 50,19,000. Will the Government be pleased to state the reason for this large increase and how the amount of pension paid is calculated?

**The Honourable Sir Bhupendra Nath Mitra:** As a result of the commercialisation of the accounts of the Postal and Telegraph Department with effect from the 1st April, 1925, it has been decided that provision should be made in the Budget of that department for pensionary liabilities of the existing staff instead of for the actual pension payments during any one year. This is in accordance with the principles of commercialisation of accounts. In this connexion the attention of the Honourable Member is invited to paragraph 5 of the speech of the Honourable the Finance Member introducing the Budget of 1925-26.

The assessment of the pensionary liabilities of the Department involves actuarial calculations of considerable complexity and magnitude and is likely to take some time. In the meantime provision has been made on the basis of a rough estimate.

### DISCONTINUANCE OF THE CREDIT FOR A SHARE OF THE MARINE SUBSIDY TO THE POST OFFICE ACCOUNT.

1277. **\*Mr. Devaki Prasad Sinha:** (a) Is it a fact that a credit for a share of the marine subsidy used to be given to the Post Office account and that in 1923-24, it amounted to Rs. 4,43,729?

(b) Will the Government please state whether this credit has since been discontinued? If so, why?

**The Honourable Sir Bhupendra Nath Mitra:** (a) A *pro forma* credit as stated was taken up to the year 1922-23.

(b) This credit was discontinued as it was found on examination that the expenditure was no more than was required for the proper maintenance of the postal service.



DISCONTINUANCE OF THE CREDIT ALLOWED TO THE POST OFFICE FOR  
FREE SERVICES RENDERED TO THE INDIAN STATES.

1278. **\*Mr. Devaki Prasad Sinha:** Is it a fact that the value of free services rendered by the Post Office to the Indian States used to be credited to the Post Office up to year 1923-24 and that in the year 1923-24, the amount so credited was Rs. 9,19,165? Will the Government please state whether there has been a discontinuance of any credit under this head after 1923-24, and if so, why?

**The Honourable Sir Bhupendra Nath Mitra:** I would invite the Honourable Member's attention to the relevant portion of my speech in this House on the 10th March last in connection with a motion by the Honourable Mr. Rama Aiyangar in which similar information was asked for *inter alia*.

PAY OF CERTAIN CLASSES OF POSTAL OFFICIALS.

1279. **\*Mr. Devaki Prasad Sinha:** Will the Government be pleased to furnish a statement showing the average pay of the following classes of officials in the Posts and Telegraphs Department on the 31st March of 1861, 1909, 1914, and 1925:

- (a) Head Postmasters,
- (b) Inspectors of Post Offices,
- (c) Inspector of Railway Mail Service,
- (d) Post Office Clerk,
- (e) Railway Mail Service Sorter,
- (f) Mail Guard,
- (g) Mail and Cash Overseer,
- (h) Departmental Branch Postmasters,
- (i) Extra Departmental Branch Postmasters,
- (j) Postmen,
- (k) Packers and Van Peons,
- (l) Runners,
- (m) Deputy Superintendents of Telegraphs,
- (n) Telegraph Masters,
- (o) Telegraphists in general scale,
- (p) Telegraphists in station and local scale?

**Mr. H. A. Sams:** The preparation of the statement asked for by the Honourable Member would involve an amount of time and labour which would not be commensurate with the results achieved.

TELEGRAPH REVENUE DERIVED FROM TELEGRAMS.

1280. **\*Mr. Devaki Prasad Sinha:** Is it a fact that with effect from the 1st April, 1925, an account has been directed to be maintained of the telegraph revenue derived from telegrams, separately showing, (i) cost paid by stamps affixed to telegrams, and (ii) cost of telegrams collected in cash both by Combined Offices and Departmental Telegraph Offices? If the reply be in the affirmative, will the Government be pleased to state, (a) the total telegraph revenue derived up to the 31st January, 1926, (b) the revenue collected by Combined Offices, (c) the revenue derived through departmental offices, (d) the revenue derived from stamps affixed to telegrams, (e) and revenue collected in cash?

**Mr. H. A. Sams:** Inquiries are being made, and any information available will be supplied to the Honourable Member.

## RECOMMENDATIONS OF THE RYAN COMMITTEE.

1281. **\*Mr. Devaki Prasad Sinha:** Will the Government be pleased to state if they have arrived at a decision on the recommendations of the Ryan Committee and will they be pleased to place on the table a copy of their orders containing this decision?

**The Honourable Sir Bhupendra Nath Mitra:** The Honourable Member is referred to the reply given by me in this House on the 28th January 1926 to Mr. K. Rama Aiyangar's starred question No. 350.

## GRIEVANCES OF POSTAL EMPLOYEES.

1282. **\*Mr. Devaki Prasad Sinha:** Has the attention of Government been drawn to an article in the *Forward* (Calcutta), dated 25th February, 1926, regarding the grievances of postal employees? If so, will Government be pleased to state what steps they propose to take for removing the grievances mentioned in that letter?

**The Honourable Sir Bhupendra Nath Mitra:** Yes. Government do not see any justification for revising the decision arrived at, with reference to a recommendation of the Postal Committee of 1920, in respect of the initial pay on time-scale rates, of Inspectors of Post Offices and Superintendents' Head Clerks.

## THE PURNEA FEEDER RAILWAYS.

1283. **\*Kumar Ganganand Sinha:** Will the Government be pleased to state the method of the survey made for the Purnea Feeder Railways and the reasons why the matter has been dropped?

## THE PURNEA FEEDER RAILWAYS.

1284. **\*Kumar Ganganand Sinha:** Will the Government be pleased to state whether they propose to take up the work of the construction of the Purnea Feeder Railways or not and if so, when, and if not, why?

## THE PURNEA FEEDER RAILWAYS.

1285. **\*Kumar Ganganand Sinha:** Will the Government be pleased to lay on the table the findings revealed by the survey of the Purnea Feeder Railways?

**The Honourable Sir Charles Innes:** I shall answer questions Nos. 1283, 1284 and 1285, together.

The Purnea Feeder Railways Project is not among those recommended by the Government of Bihar and Orissa, but at the request of the Local Government a traffic reconnaissance of the district west of the Katihar Jogbani Branch was carried out by the Agent, Eastern Bengal Railway, in 1925. The result of this reconnaissance showed that the construction of branches in this area would not prove remunerative and the Local Government was informed accordingly.

As the Railway is not likely to prove a remunerative proposition, Government do not at present propose to take any further action in regard to its construction.

A statement giving the information desired is laid on the table.

*Statement showing the findings revealed by the traffic reconnaissance of the Purnea Feeder Railways.*

The places worth connecting would be Purnea with Dhamdaha and Purnea with Burhia Dhanghatta (Sarsi) in Purnea Sub-division. The obstacle will be the Dhamdaha Kosi. At present it is about 60 ft. between the banks and during the rains it becomes torrential. A bridge will be very expensive. Moreover the vagaries of the Kosi are well known. A few years might see it suddenly getting active in one of its older western courses.

A line to Sarsi and thence to opposite Dhamdaha on the east bank of the Dhamdaha Kosi would appear to be the most suitable connection to start with. At a later date should the Dhamdaha Kosi dry up, the line could be extended to Barhara.

In the Arariya Sub-division a connection between Raniganj and Arariya and thence on to Arariya Court appear to be the only possible alignment.

The total earnings for each line are estimated as follows :

		Rs.
(a) Purnea Dhamdaha . . . . .	23.00 miles	1,31,344
(b) Purnea Burhia Dhanghatta . . . . .	16.0 „	82,870
(c) Arariya Raniganj . . . . .	15.00 „	45,763

Taking 60 per cent. as working expenses, the surplus left will be :

Rs.
(a) 52,537
(b) 33,148
(c) 18,305

Capitalising this on a 6 per cent. basis it becomes :

Rs.		Rs.
(a) 8,75,616	or	38,000 per mile.
(b) 5,52,466	or	34,500 „
(c) 3,05,000	or	20,000 „

It is suggested that the Purnea Burhia Dhanghatta line be taken up first and later on extended to Dhamdaha or a Branch line built to Dhamdaha from a suitable place like Banbhag.

The cost of a direct line to Dhamdaha would be prohibitive it will involve bridging the Kosi.

It is not recommended that any line should be built in Arariya Sub-division as it will not be remunerative under existing conditions.

It will be observed that the highest justifiable cost per mile would average Rs. 38,000 per mile and it would seem impossible to build such a line except on the Stronach-Dutton system of haulage by a steam tractor the gauge being 2 feet only.

**THE BAUSI-SAINTHIA RAILWAY.**

1286. \*Kumar Ganganand Sinha: Will the Government be pleased to state when the Bausi-Sainthia line will be opened and whether the Railway Board propose to extend the line to those parts of the Santhal Pragannas that have not yet been opened?

**The Honourable Sir Charles Innes:** The Honourable Member is referred to the answer given to question No. 989 in the Legislative Assembly on the 26th February, 1926.

## UNSTARRED QUESTIONS AND ANSWERS.

### CONNECTION OF MEMBERS OF THE COMMITTEE OF INQUIRY APPOINTED TO INVESTIGATE INTO THE AFFAIRS OF THE ARMY CANTEN BOARD, INDIA, WITH THE BOARD OF MANAGEMENT OF THAT BODY.

219. **Khan Bahadur W. M. Hussanally:** Is it a fact that the members of the Inquiry Committee appointed to investigate into and report upon the affairs of the Army Canteen Board are members of the Board of Management of the Army Canteen Board, namely, that Sir William Currie and the Honourable Mr. Phiroze Sethna are members of the Board of Management and Mr. Cocke belongs to the auditing firms?

**Mr. E. Burdon:** No, Sir. None of the three gentlemen mentioned is a member of the Board of Management. The precise nature of their connexion with the Army Canteen Board could have been ascertained by the Honourable Member from papers which have previously been supplied to the House.

### REPORT OF THE COMMITTEE OF INQUIRY APPOINTED TO INVESTIGATE INTO THE AFFAIRS OF THE ARMY CANTEN BOARD (INDIA).

220. **Khan Bahadur W. M. Hussanally:** Will the Government be pleased to state if the report of the Inquiry Committee has been received and if so will the Government be pleased to lay the same on the table?

**Mr. E. Burdon:** I informed the House some little time ago that the Report had been received. It is under examination and will not be laid upon the table at present.

### APPOINTMENT OF AN EXPERT COMMITTEE TO INVESTIGATE INTO THE AFFAIRS OF THE ARMY CANTEN BOARD (INDIA).

221. **Khan Bahadur W. M. Hussanally:** Will the Government be pleased to state why the expert Committee promised by Mr. Burdon, while replying to questions Nos. 685/7 on the 3rd September, 1925, to investigate into the condition, method of working and the financial position of the Army Canteen Board has not yet been appointed?

**Mr. E. Burdon:** The suggestion contained in the reply which my Honourable friend has quoted was that the preliminary inquiry would first be completed. But the preliminary inquiry has been so thorough itself that I doubt if any further inquiry will be necessary.

### NATURE OF THE INQUIRIES MADE BY THE COMMITTEE APPOINTED TO INVESTIGATE INTO THE AFFAIRS OF THE ARMY CANTEN BOARD (INDIA).

222. **Khan Bahadur W. M. Hussanally:** Will the Government be pleased to state if the members of the Inquiry Committee have based their report on information derived from direct inquiries from the soldiers, and the Officers Commanding of the units served by the Army Canteen Board? Have the members made local inquiries by personally visiting the places run by the Board?

**Mr. E. Burdon:** I believe that the Committee have had at their disposal the fullest and most authentic information they could require.

**APPOINTMENT OF EXPERIENCED INDIAN TRADERS AND BUSINESS MEN AS MEMBERS OF THE EXPERT INVESTIGATION COMMITTEE (ARMY CANTEEN BOARD).**

**223. Khan Bahadur W. M. Hussanally:** Will the Government be pleased to state if it is intended to appoint experienced Indian traders and business men as non-official members of the Expert Investigation Committee? If not, why not?

**Mr. E. Burdon:** The Honourable gentleman is referred to the reply which I have just given to his question No. 221.

**REPORTS RE THE SERVICE AND QUALITY OF GOODS AND BEER SERVED BY THE ARMY CANTEEN BOARD.**

**224. Khan Bahadur W. M. Hussanally:** Will the Government be pleased to lay on the table all reports which the Army Headquarters have received from the regiments regarding the service and quality of goods and beer served by the Army Canteen Board?

**Mr. E. Burdon:** No, Sir.

**SUPPLY OF INFERIOR BEER TO THE TROOPS BY THE ARMY CANTEEN BOARD (INDIA).**

**225. Khan Bahadur W. M. Hussanally:** Is it a fact that the Army Canteen Board is supplying beer to the troops which is not liked by them?

**Mr. E. Burdon:** I would invite the attention of the Honourable Member to the reply which I have given to-day to starred question No. 1240.

**REPORTS RECEIVED BY ARMY HEADQUARTERS REGARDING WATERED BEER IN THE AREA OPERATED BY THE ARMY CANTEEN BOARD (INDIA).**

**226. Khan Bahadur W. M. Hussanally:** Will the Government be pleased lay on the table all reports received by the Army Headquarters, regarding watered beer in the area operated by the Army Canteen Board?

**Mr. E. Burdon:** No, Sir.

**SUPPLY BY THE ARMY CANTEEN BOARD (INDIA) OF GROCERY AND OILMAN STORES TO THE INDIAN ARMY SERVICE CORPS.**

**227. Khan Bahadur W. M. Hussanally:** Is it a fact that the Supply and Transport places all its orders for grocery and oilman stores with the Army Canteen Board (India) in the area operated by them without inviting tenders from other firms? If so, why has such a monopoly been allowed?

**Mr. E. Burdon:** Only those articles of Indian Army Service Corps supply which are authorised to be purchased locally (with the exception of those for which a contract exists or which are normally provided by the contract system) are obtained by the Indian Army Service Corps from the Army Canteen Board, India, at the local retail prices according to the Board's monthly price list, less 5 per cent. rebate.

The reasons for obtaining such supplies from the Army Canteen Board, India, are:

- (i) The articles are purchased on "as required" scale, the demands being very small: and
- (ii) All articles stocked by the Board are fresh and subject to analysis by the Military Food Laboratory, Kasauli.

SALE BY THE SUPPLY AND TRANSPORT OF MINERAL WATER PLANT AND  
BOTTLES TO THE ARMY CANTEN BOARD (INDIA).

228. **Khan Bahadur W. M. Hussanally:** Is it a fact that the Supply and Transport sold mineral water plant and bottles to the Army Canteen Board? If so, will the Government be pleased to give full details of the machines and bottles sold and the rates charged and also if the total value of such machines and bottles has been paid by the Army Canteen Board, and when?

**Mr. E. Burdon:** The answer to the first part of the question is in the negative. The second part does not arise.

SUPPLY TO THE ARMY CANTEN BOARD (INDIA) OF ALL REPORTS OF  
THE MILITARY FOOD LABORATORY AT KASAUJI ON SAMPLES  
RECEIVED FROM THE REGIMENTS SERVED BY THE  
CONTRACTORS.

229. **Khan Bahadur W. M. Hussanally:** Is it a fact that the Military Food Laboratory at Kasauli sends to the Army Canteen Board copies of all reports on samples received from the regiments served by the contractors?

**Mr. E. Burdon:** No, Sir.

REPORTS FROM OFFICERS COMMANDING REGIMENTS SERVED BY THE  
ARMY CANTEN BOARD (INDIA).

230. **Khan Bahadur W. M. Hussanally:** With reference to question No. 311 replied to by Mr. E. Burdon on 23rd July, 1923, will the Government be pleased to state the reasons why they think that there is no occasion for calling for reports from the Officers Commanding?

**Mr. E. Burdon:** The reason operative at the time was stated in the reply itself. As regards the present position I would refer my Honourable friend to the reply I have given to-day to starred question No. 1249, part (b).

REPRESENTATION OF MUSLIMS IN THE POSTAL DEPARTMENT OF THE  
DELHI PROVINCE.

231. **Haji Wajihuddin:** (a) Will the Government please lay on the table a statement showing the number of Muslims who have been recruited to the Postal Department of the Delhi Province since a Circular was issued about two years ago by the Postmaster General, Punjab, to the effect that the recruitment of non-Muslims who preponderate in the Postal Department of the Punjab and the Delhi Province should be stopped until the Muslims had gained their due representation in the said Department?

(b) Is it a fact that the instructions contained in the Postmaster General's Circular have not been carried out during the last two years, and if so, what steps, if any, do Government now propose to take to safeguard the due interests of Muslims?

**Mr. H. A. Sams:** (a) Since the issue of the Postmaster General's instructions in October, 1923, the Delhi head office has had 20 vacancies, of which 10 have been filled by Muhammadan candidates.

(b) The reply to the first part is in the negative. The remaining part of the question, therefore, does not arise.

## ELECTION OF THE PANEL FOR THE ADVISORY COUNCIL FOR RAILWAYS.

**Mr. President:** The Assembly will now proceed to elect a panel consisting of eight members from which six shall be selected to serve on the Advisory Council for Railways. There are 21 candidates whose names are printed on the ballot papers which will be supplied to Honourable Members in the order in which I call them. I may mention, however, that Maulvi Muhammad Yakub has withdrawn his candidature. Mr. B. Das has also withdrawn his candidature.

(The ballot was then taken.)

## ELECTION OF A PANEL FOR THE STANDING COMMITTEE ON EMIGRATION.

**Mr. J. W. Bhore** (Secretary, Department of Education, Health and Lands): Sir, I beg to move:

"That this Assembly do proceed to elect in the manner described in the Department of Education, Health and Lands Notification No. 114, dated the 7th February, 1924, a panel of 16 members from which the members of the Standing Committee to advise on questions relating to emigration in the Department of Education, Health and Lands, will be nominated."

(The motion was about to be declared as carried.)

**Mr. N. M. Joshi** (Nominated: Labour Interests): Sir, I wanted to make a few remarks on this. (*Cries of "Too late".*) I got up, Sir, at the proper time and I ask you to give me a chance.

**Mr. President:** The Honourable Member knows that these motions are really treated as formal motions. If he desires, however, to make any observations the Chair has no objection. The practice has been to regard these motions as merely formal motions.

**Mr. N. M. Joshi:** I thank you very much, Sir. The remark which I wanted to make on this motion was this, that if the Government appoint Standing Committees for the Department of Emigration and consult that committee, it is necessary that Government should publish a report of the work of that committee. During the year many references were made in the speeches of responsible authorities to the consultations with this Committee, especially on South African matters. I feel, Sir, it is due to this House, if the Government want to appoint a Committee, that they should publish a report of its work; otherwise references to the attitude of the Standing Committee in public speeches are unwarranted, unfair and unjust. I therefore feel that if Government promise to publish a report of the work of this Committee, then only can I support this motion, not otherwise.

**Mr. J. W. Bhore:** On a point of order, Sir: is the Honourable Member entitled to discuss the matter after the motion is carried?

**Mr. President:** Order, order. The Honourable Member from Bombay desired to speak and the Chair allowed him. Therefore, it must be taken that the motion was not put. Does the Honourable Member wish to make a reply?

**Mr. J. W. Bhore:** No, Sir; I do not wish to say anything.

**Khan Bahadur W. M. Hussanally** (Sind: Muhammadan Rural): I want to ask a question, Sir. I find from the paper that the motion is to elect 16 members from which the members of the Standing Committee to advise on questions relating to Emigration in the Department of Education, Health and Lands, should be nominated. Why should there be 16 members, and why should there be a further selection from these 16 members? Why are so many members required?

**Mr. J. W. Bhore:** The Honourable Member is no doubt perfectly aware of the practice of this House in regard to the election of all such Committees. The practice is for the House to elect a panel and for the Department to proceed to nominate members from that panel, and it is proposed to follow the usual practice in this case also.

**Mr. K. Ahmed** (Rajshahi Division: Muhammadan Rural): Sir, I join with Mr. Joshi in saying that the activities of these Standing Committees have not hitherto been known either to the electorates or even to the elected Members of this Assembly. What these so-called elected Members do in the dark night in connection with these Standing Committees, Heaven knows best. From the silence of the Honourable Mr. Bhore when Mr. Joshi put his query, it shows, Sir, that the Department evidently want to do something secretly, and they say they are following the practice of the House of Commons. (*An Honourable Member:* "You are wrong.") I am told I am wrong. Am I wrong? If my friend supports the activities of the dark nights, and if he wants to be a member of that panel, I congratulate him and would ask him to join hands with those who do things which are neither just nor fair. But as far as I am concerned, I would ask the Honourable Member in charge that in fairness to our constituencies and to the Members of this House in general he should publish a report to show what these Committees are doing. If that cannot be done, then I beg to submit that the very object for which these Standing Committees are appointed,—and many other similar Committees are appointed every year,—will be frustrated, because we do not know what these Committees are doing. If nothing is made known about the activities of these Committees, then the entire object of appointing these Committees will be rendered fruitless. With these few observations, shall I be wrong, Sir, if I ask the Honourable Mr. Bhore to enlighten us as to what he is going to do in regard to publishing the reports of these Committees? Will he for the benefit of the country give publicity to the work of these members who are going to be chosen from the panel? I trust, Sir, he will be good enough to enlighten us and clear his position as to what he proposes to do in future in regard to publishing the reports of these Committees.

**Mr. President:** The question is:

"That this Assembly do proceed to elect in the manner described in the Department of Education, Health and Lands Notification No. 114, dated the 7th February, 1924, a panel of 16 members from which the members of the Standing Committee to advise on questions relating to emigration in the Department of Education, Health and Lands, will be nominated."

The motion was adopted.

**Mr. President:** I may inform the Honourable Members that, arising out of the motion which has just been carried, the office of the Assembly will be open to receive nominations up to 12 Noon on Wednesday, the 17th March, and the election, if necessary, will take place in this Chamber on a day to be notified later.



## THE INDIAN TARIFF (AMENDMENT) BILL.

**Mr. President:** The Assembly will now resume the consideration of the Bill further to amend the Indian Tariff Act, 1894, as reported by the Select Committee, clause by clause.

**Mr. Kasturbhai Lalbhai** (Ahmedabad Millowners' Association: Indian Commerce): Sir, I beg to move:

"That in clause 7 of the Schedule to the Bill in the proposed item No. 51-B after the words 'silk throwing and reeling machines', the words 'cotton yarn reeling machines' be inserted."

My object in moving this small amendment is this. At present customs duty is charged at the rate of 15 per cent. on these machines, and these are the only machines which have been singled out, and as silk throwing and reeling machines have been included in this item, I hope the Honourable Member will accept my amendment to include cotton yarn reeling machines also in the clause.

**The Honourable Sir Charles Innes** (Commerce Member): Sir, the Government agree to the amendment proposed by my Honourable friend.

The motion was adopted.

**Mr. Kasturbhai Lalbhai:** Sir, I beg to move:

"That in clause 7 of the Schedule to the Bill in the proposed item No. 51-B after the words 'pickers' the words 'picking bands' be inserted."

As a matter of fact the customs duty on picking bands to-day is at the rate of  $2\frac{1}{2}$  per cent., but pickers being included in the Schedule I think it desirable to add picking bands also.

**The Honourable Sir Charles Innes:** Government accept that amendment, Sir.

The motion was adopted.

The Schedule was added to the Bill.

Clause 1 was added to the Bill.

The Title and the Preamble were added to the Bill.

**The Honourable Sir Charles Innes:** I move, Sir, that the Bill, as amended, be passed.

**Mr. B. Das** (Orissa Division: Non-Muhammadan): Sir, while I appreciate the specific duty of Rs. 9 a ton which has been put on imported Portland cement, I wish Government could have considered the protection of the cement industry as recommended by the Tariff Board. The Tariff Board in paragraph 84 of their Report on protection of cement industry recommended as follows:

"(1) A bounty of Rs. 8 per ton should be paid on all cement consigned from an Indian factory through or *via* Calcutta, Bombay, Madras or Karachi, or to any railway station not more than 75 miles from these ports.

(2) A bounty of Rs. 4 a ton should be paid on all cement consigned from an Indian factory to any railway station not more than 75 but not more than 150 miles from any of these ports."

**The Honourable Sir Charles Innes:** I should like your ruling, Sir, whether at this stage the Honourable Member can raise the question of bounties to the cement industry.

**Mr. B. Das:** I am not raising the question of bounties, but I am making observations to show how far this amendment of the Indian Tariff Act goes to meet the very minimum demand made by the cement industry for its protection. I am discussing the tariff policy on this Bill so far as the cement industry is concerned.

"(3) No bounty should be paid to any factory on cement delivered under the contract between certain cement companies and the Bombay Development Department, or to the Sone Valley Portland Cement Company, Limited.

(4) In place of the revenue duty of 15 per cent. *ad valorem* a specific duty of Rs. 9 a ton should be imposed on imported cement and declared protective."

Government have only given effect to the recommendation in section (4), and they observe in the Statement of Objects and Reasons:

"The present duty on cement is an *ad valorem* one of 15 per cent. assessed on a tariff valuation. The price of cement has shown a tendency to fall. The Tariff valuation for 1926 has been reduced from Rs. 60 to Rs. 55 per ton thereby reducing the duty payable from Rs. 9 to Rs. 8.4 per ton. It was clear from the Report of the Tariff Board on cement that imported cement can well bear an import duty of Rs. 9 a ton and in order to stabilise the revenue it is proposed to substitute a specific duty of Rs. 9 per ton for the existing *ad valorem* duty of 15 per cent."

What I wish to put before the House is that while various recommendations have been made to the effect that the tariff policy should be one of protection, Government give effect only to those recommendations that help them in their revenue policy. I will quote the instance of the specific duty on sugar which we passed last year and which is bringing Government a very large revenue. So also, in having this specific duty of Rs. 9 per ton Government are stabilising their revenue from imported cement but not giving effect to any of those recommendations which would give adequate protection to the cement industry in India. I appreciate also the enhanced duty on printer's ink, but the question is how far the tariff policy of the Government is to give protection to Indian industries or how far it is aimed only to have a stabilised revenue for their expenditure.

I will just say a few words regarding the decrease of duty on saccharine. Government have confessed their inability to cope with the smuggling through Pondicherry. I do not mind saccharine being imported free of duty or at Rs. 5 a pound duty. Two great questions were raised on the floor of this House by my friends. Saccharine is being used in the smaller tea shops where the poor man takes his tea in Bombay, Calcutta and other towns. It affects the health of the masses. That is a very important point. Government say that smuggling is done from Pondicherry and that they cannot do anything. I want to draw the attention of the Government to this. You must have some international commercial treaty relations with the Government of Pondicherry and with the Government of Goa. You also permit certain Native States such as Jamnagar and Cutch . . .

**The Honourable Sir Charles Innes:** Might I rise to a point of order, Sir? I would suggest that the Honourable Member should say "Indian States".

**Mr. B. Das:** I beg your pardon, Sir. I take the correction. You permit such Indian States to import on their own account. Under treaty rights with foreign and allied countries, they levy their own taxes and therefore there is every chance of certain goods being smuggled through these Indian States from foreign countries. I think there are international treaties and international commercial rights by which you can ask these Governments at least to adjust their customs duty so that they will have the same tariff that is prevalent in British India. Take, for instance, iron and steel. You are putting heavy protective duties on iron and steel. Anybody can smuggle iron and steel into Pondicherry and Goa. You have not gone into the root cause of these things. You have not approached these Governments and considered how best the smuggling can be prevented, and whether they can raise or lower their duties on any particular class of goods which is largely consumed in British India. It is no use thinking that the goods that can be smuggled cannot be heavy goods such as iron and steel, and that they can be smuggled only through the main outposts such as Railways and roads. The people who smuggle know how to smuggle and they can always smuggle these things. You must put your relations with these Governments on such a friendly footing that smuggling can not go on. Instead of that, you admit your defeat before the smugglers and you reduce your duty and indirectly put to loss a few merchants. I am not interested in those merchants. But what I am interested in is that you are now going to increase the import of saccharine into India and thereby you are going to decrease your sugar revenue, and instead of the duty being a protective one on sugar, it is going to decrease your revenue from sugar and may ultimately ruin sugar manufacture in India. At the same time, you are going to ruin the health of millions and millions of people for whom of course I do not think you do care.

Sir, these are my observations and although the Bill is going to be passed, I hope Government will take into consideration these observations and try to establish good relations with those foreign territories and allied territories in the neighbourhood of British India and harmonise their tariff policy for the benefit of British India.

**Captain Ajab Khan** (Punjab: Nominated Non-Official): Sir, with your permission, I wish to offer a few observations about the import duty on Portland cement. I know that Portland cement imported into India even with this import duty is so cheap that the indigenous manufacturing companies of cement can never compete with the foreign manufacturer. There is a Portland cement company near my place and with their best efforts I know for certain that they cannot compete with the foreign cement which comes to Bombay and is then taken all the way up, over 1,400 miles, to my place. I hope the Commerce Member will kindly see that these local industries are protected and that a higher duty is imposed to give a chance to the locally manufactured cement to be profitably sold at the price of the imported cement. That is all I want to say, Sir.

**Mr. President:** The question is:—

“That the Bill further to amend the Indian Tariff Act, 1894, as reported by the Select Committee and as amended, be passed.”

The motion was adopted.

## THE MADRAS CIVIL COURTS (SECOND AMENDMENT) BILL.

**Mr. H. Tonkinson** (Home Department: Nominated Official): Sir, I move that the Bill further to amend the Madras Civil Courts Act, 1878, be taken into consideration.

The Bill deals with the powers of the Madras High Court to confer upon certain classes of Judges the jurisdiction of a Judge of a Court of Small Causes for the trial of suits cognizable by such Courts. At the present time the powers which may be conferred upon a District or Subordinate Judge are limited to the amount of Rs. 500. The Bill proposes to increase that limit to Rs. 1,000. So far as the District Munsif is concerned, the present limit is Rs. 200. The Bill proposes to increase that limit to Rs. 300. The Bill follows the recommendations of the Civil Justice Committee, but in so far as the District Munsifs are concerned, the Civil Justice Committee went further and recommended a maximum limit of Rs. 500. We have adopted the limit of Rs. 300 in the Bill on the recommendation of the Madras Government. As a matter of fact, it was the recommendation made also by a Retrenchment Committee in Madras. Some changes in the authority which could give these powers were effected by the Decentralisation Act of 1914, but, apart from those changes in the authority which could give the powers, the present limits are the limits which have been in existence since 1885. It will be left, of course, under the Bill to the High Court to decide as to the extent to which they should utilise the powers which the Bill confers on them. They may, for example, only empower selected Judges, or they may decide to empower Judges of a certain number of years' standing, and so on. In some provinces powers up to the limits proposed in this Bill may already be invested on courts of corresponding status and this will be seen by any Honourable Member who refers to the statement at pages 94 and 95 of the Report of the Civil Justice Committee. The Civil Justice Committee referred in their Report to the satisfactory manner in which the present powers have been exercised in Madras and I trust the House will have no doubt that the proposal in the Bill can be safely accepted. Sir, I move.

**Diwan Bahadur T. Rangachariar** (Madras City: Non-Muhammadan Urban): I do not rise to oppose the motion, but I wish to point out that in exercising the powers now proposed to be conferred by this Bill on the High Court to extend the jurisdiction of selected officers in small cause cases up to Rs. 1,000 some matters have to be kept in mind. It is true that the High Court will select only officers of experience to exercise these powers, but at the same time the method by which the quality of the work of a Subordinate Judge is often tested is by the care he bestows on regular trials rather than on trials of small causes. That often induces officers to pay less attention to small cause work and more to regular work. The Madras High Court and the Madras Government, I am perfectly sure, will take care to impress upon them the duty of exercising more care in the disposal of small cause suits. I know of a very experienced Subordinate Judge who, when a very heavy file of small causes was placed before him, used to write a number of postcards because the law does not require him to record the evidence of witnesses but only to keep a memorandum. There is no way of testing the efficiency of the work done in small cause cases. No doubt, the parties can take the cases to the High Court on points of law and law only. Therefore, there is no way of

checking the work done by the Subordinate Judges in this matter, so that great care has to be exercised. Some subordinate courts have got very heavy regular cases to try, and although they may be experienced officers in regular work such officers should not be chosen to dispose of small cause cases over Rs. 500. It is only light courts, Subordinate Judges who have less work to do on the original side, that should be chosen for this purpose. These are the observations which I wished to make. It is a big departure we are making now. Rs. 1,000 is a large sum for an ordinary Madras man and he would like to have his suit tried carefully. It is not like rich Bombay or Calcutta where Rs. 1,000 may not count for very much, but in Madras it is a large amount and great care has to be exercised in the giving of the powers which are proposed to be given by this Bill.

**Mr. President:** The question is:

"That the Bill further to amend the Madras Civil Courts Act, 1873, be taken into consideration."

The motion was adopted.

Clause 2 was added to the Bill.

Clause 1 was added to the Bill.

The Title and the Preamble were added to the Bill.

**Mr. H. Tonkinson:** I move that the Bill be passed.

The motion was adopted.

## THE INDIAN FINANCE BILL.

**The Honourable Sir Basil Blackett** (Finance Member): I move that the Bill to fix the duty on salt manufactured in, or imported by land into, certain parts of British India, to repeal the Cotton Duties Act, 1896, to fix maximum rates of postage under the Indian Post Office Act, 1898, further to amend the Indian Paper Currency Act, 1923, to fix rates of income-tax, and to provide for the appropriation of certain monies for the purpose of the reduction or avoidance of public debt, be taken into consideration.

Sir, at this stage of the proceedings I do not think it is necessary for me to add any explanation of the Bill. It was fully explained in my budget speech and further opportunities will no doubt arise for me to deal with any other points that may arise hereafter. I move.

**Mr. K. Rama Aiyangar** (Madura and Ramnad *cum* Tinnevely: Non-Muhammadian Rural): Honourable Members of the House on this side have not had an opportunity to discuss the Budget, but as has been ruled by your predecessor, there are three occasions in the course of the debates on the Budget which will give opportunities to Members to criticise and offer their views on the Budget. The first we were not able to take advantage of because of your closing the debate on the first day.

**The Honourable Sir Basil Blackett:** Question.

**Mr. K. Rama Aiyangar:** The second stage which related mainly to the question of the constitutional reforms was taken up and many Honourable Members took part in the discussion but I had no occasion then to take part . . . . .

**Mr. President:** Does the Honourable Member suggest that he could not take advantage of the opportunity when the general discussion took place because the Chair closed the debate on the first day wrongly?

**Mr. K. Rama Aiyangar:** Not at all. It will be well for me to explain myself. I do not cast any reflection on your ruling, but we did think that two days were open for discussion and . . . . .

**Mr. President:** Will the Honourable Member explain to me whether he himself was debarred from discussing the Budget because of the Chair's closing the debate earlier?

**Mr. K. Rama Aiyangar:** Not at all. I say that we did not intend to speak on the first day: we did intend to speak on the second day thinking that the discussion would be open for two days. The view taken by the Chair under the circumstances became more or less, I suppose, necessary, but we did think that, even though on the first day there were no speeches, the discussion would be open on the second day. That was how we construed the allotment of two days for the general discussion.

**Mr. President:** Does the Honourable Member suggest that the Chair should have adjourned the discussion to the second day although the Chair knew that the two principal parties had decided not to participate at all in the debate and, after a few speeches from other Members, no one else rose to speak?

**Mr. K. Rama Aiyangar:** That is our contention, it may be that we are not correct. The Chair is supposed to be correct in that matter and we have no voice, but certainly we thought we were entitled to have the discussion adjourned till next day . . . . .

**Mr. President:** It is news to the Chair that the Honourable Member wanted to speak on the second day. The Chair was informed that the Honourable Member's Party had decided not to participate at all in the general discussion.

**Mr. K. Rama Aiyangar:** I do not think there is any point in it, Sir.

12 Noon. The fact of the matter is that we have lost that opportunity. I only mention that as a fact. I will, therefore, take advantage of this occasion to offer a few general remarks on the whole Budget. So far as the speech of the Honourable Sir Basil Blackett is concerned, it seems to me that some general remarks are necessary and I submit them as follows:

It looks to me, Sir, that it augurs well for the country that for the first time in his Budget speech the Honourable Sir Basil Blackett has thought it fit to justify the policy he has pursued through his philosophical disquisition to attempt to satisfy his conscience. The nearer we come to the day that the materialism of the West is controlled and guided by the true spiritualism of the East, the nearer will the country be to that everlasting happiness which is the *summum bonum* of man's pursuit. But it requires deep thinking and selfless action and practice for a long series of years to

accurately grasp the Eastern philosophy in order to apply it to a given set of facts. I agree, Sir, that Eastern spiritualism is not likely to be tainted by materially solidifying the financial position and improving the economic condition of a country "by the increase of production and accumulation of wealth". But the half-truths relied upon by the Honourable Sir Basil Blackett will not suffice to justify the conclusions arrived at and to support his theory of "not making posterity pay". The Hindu philosophy enjoins continual selfless service to God through service to mankind as the preliminary qualification for attaining eternal happiness, the end of human pursuit. If, therefore, the Finance Member will only correctly follow this line of action he will certainly elevate the nature of his work and the service to the country. But if that result is to be attained conceit, anger and haste have to be avoided and equality of treatment and fear of comparative greater injury to one or greater convenience to another ought to be adopted as the guiding principle. Sir Basil wants to justify himself by pleading that reductions of debt, whatever may be the amount, relieves revenue expenditure in the shape of interest and consolidates the position to the benefit of the present generation. This line of argument cannot in any view satisfy even his own conscience. If deliberately the Budgets were framed to ensure this reduction of debt by having accrued surpluses, the present generation will have serious complaints to make and will be wronged by not being allowed to enjoy such part of the revenue as might be spent to reduce taxation or help the nation-building departments the moment it can be done. If, on the other hand, neglect of duty or absence of clear vision, as in the case of asking for the certification of the salt duty at Rs. 2½ when during the year 5½ crores of reduction in military expenditure alone was quite feasible, was the cause of the accrued surplus, even here the mind cannot find any peace. It is again argued that in two years 2·44 crores of revenue balance accrues from reduction of debt and the consequence saving of interest and that that is a provision for the present generation. This argument, when logically carried to its finish may justify the reduction in a few years of the whole debt which had accumulated through extraneous causes during a long number of years, so that the whole of the interest payment may be avoided. A reduction of 2·44 crores in interest alone though partly caused by conversions and other causes amounts to about 25 to 30 crores of extra money being taken from the people in these two years. We are besides this spending from revenue for buildings, improvements and repairs, etc., to the tune of about two crores each year to benefit posterity by reducing capital expenditure.

A calm deliberation over the rights invaded and wrongs perpetrated while trying to quench an inordinate desire to add to the credit of India as against even Great Britain cannot pacify the mind but only add sadness by, to put it mildly, at least an unintentional extra burden cast on the present generation. The Taxation Inquiry Committee has brought out the many mistakes committed in the past in the distribution of the burden of taxation. At the same time it has made suggestions which again may lead to many more mistakes resulting in iniquities. It now remains to rectify them. Accumulation of funds for future contingencies and wholesale avoidance of debts though desirable in individual budgets may prove harmful to a State with a big paying capital programme. With these words, Sir, I want to deal with some aspects of the Budget.

One important feature of this year's Budget is that unfortunately we have not had what we could ordinarily anticipate in the matter of the reduction of military expenditure. Sir, the Honourable Sir Basil Blackett,

[Mr. K. Rama Aiyangar.]

while making his speech last year, referred to a departmental committee that was appointed to go into the military expenses in the course of 1924-25. He discussed the whole matter and observed as follows:

"In spite of the large and continuous reductions which, as I have shown, we have been able to effect in army expenditure since 1920-21 and of the further appreciable reduction shown in the estimates for 1925-26, I am happy to say that, subject always to our being spared the necessity for expenditure on these active military operations which are the nightmare of every Finance Member, I confidently look forward to a further important reduction in 1926-27."

This speech was delivered, Sir, as you know, on the 28th February, 1925. His Excellency Lord Rawlinson, the then Commander-in-Chief, whose demise we deeply deplore, also made a speech and said that he did not mean to say that the military expenditure would not be further reduced. He said he would closely watch the expenditure from day to day and he practically confirmed the written speech that was delivered by the Honourable Sir Basil Blackett. Sir, this year we have also got a reference to military expenditure in the Budget speech, but there is no explanation except a statement that the revised expenditure of the current year is practically the same as the budgetted expenditure. It also adds that there is an extra expenditure of about 3 lakhs. Later on, about the next year a statement is made that it will be kept at 54.88 crores. No mention is made, however, that the retrenchment recommended by the Inchcape Committee will be continued. Sir, I am making a reference to this mainly for the following reason. If you analyse the military Budget this year, you will find that 70 lakhs of expenditure have been spared by certain payments not having been made in England. In spite of this 70 lakhs that was saved unexpectedly, we find that over 73 lakhs have been added to the expenditure, whereas the Honourable Sir Basil Blackett expected in his last year's Budget some further reductions. The same hope was held out by His Excellency the late Commander-in-Chief. I am not referring, Sir, to the saving caused by the ordinary expenditure not being made because circumstances intervened which did not permit of the expenditure of 70 lakhs being made. That was put down without expecting this as a saving, but because of certain calculations which were made of pensionary charges we got that saving. Then what do we find? Is there any retrenchment, any reduction, any economy? No, none of these things happened. All the 70 lakhs were spent and 3 lakhs more. An explanation is given in the Memorandum which has been circulated to the Honourable Members and this appears on the last pages of this Memorandum. The Military Secretary instead of giving a separate Explanatory Memorandum, as he did the last year, has added it on to the Finance Secretary's Memorandum. And what do we find? We find that these 70 lakhs were eaten up by three particular items, that is, 40 lakhs extra provision made for equipment, 15 lakhs spent for purchases of ghee at the proper time which will save some extra money, another 20 lakhs is put down "owing to the prevalence throughout the year of a range of prices generally higher than those originally adopted," and altogether these 70 lakhs are absorbed by these three heads. I want to know actually if anything was done to pursue the course of expenditure under other heads and if any reduction is possible. That is not indicated here: On the other hand the notes at page 29 say, "Actual savings are expected under Supply Depôts, Remount Depôts, Dairy Farms and Military Accounts", but we don't know. It is not indicated in the Budget either in this or next year. That being so, what



I beg to submit is that, while we all expect ordinarily some retrenchment in expenditure promised both by the Finance Member and His Excellency the late Commander-in-Chief last year, some change has come over the military authorities and I contend that the civil side of the Government of India have not taken their stand properly to oppose any such military suggestion that might increase expenditure. There ought to have been a reduction in the natural course, for during the course of the winter one cavalry regiment had also been disbanded. Whatever expenditure might have been saved by the action of that disbandment during the six months, that also ought to have been recorded in the revised Budget.

**The Honourable Sir Basil Blackett:** Provision was not made in the original Budget for that regiment to be here for more than six months, and it was here for more than six months.

**Mr. K. Rama Aiyangar:** If that is so, the ordinary course of retrenchment that ought to have been effected and was foreseen must have taken place. That has not taken place. This is now explained to us not by the Finance Member but he has satisfied himself with a mere statement that His Excellency the Commander-in-Chief has explained the whole position to this Assembly. I carefully read through the speech of His Excellency and have not at all been able to find any expression there which would explain both the statement of the Honourable Finance Member of last year and also of His Excellency the late Commander-in-Chief. Neither of these things took place. On the other hand we get a curious statement from His Excellency the Commander-in-Chief. What does he say? He tackles the report of the Retrenchment Committee in his speech and he says in his speech which I have got here:

"There is another figure to which I would like to make a reference when I mention those particular figures, and that is the figure of 50 crores, to which I find allusion made both in the papers and in speeches as the limit at which military expenditure should stand. What I would like to say in this connection is, that that figure was mentioned by Lord Incheape as a possible maximum for military expenditure, but my distinguished predecessor, the late Lord Rawlinson, after great experience as Commander-in-Chief, not only found himself unable to accept that figure—and I would like to say here how very gracefully, I think, the Finance Member referred to the efforts made by Lord Rawlinson to reduce expenditure, I can assure the Finance Member that the Army generally is grateful for the words he used regarding our late Chief, Lord Rawlinson—however, not only found himself unable to accept 50 crores as the figure to which military expenditure might hope to fall in the future, but further than that he placed on record the fact that he considered that when the revenues of India were capable of granting further aid to military estimates, that items which he reluctantly had to reduce, should be restored to the military Budget; also I think possibly all Honourable Members do not realise that Lord Incheape when mentioning 50 crores as the maximum of military expenditure definitely stated that he realised that Government could not expect to reach that figure unless there was a definite fall in prices, and no such fall has taken place. Further the Incheape Committee also stated that they did not consider that we could reduce our estimates to 50 crores unless there was a further reduction in troops and they were unable to make any such recommendation. I think therefore that we may take that recommendation about 50 crores as a pious aspiration, or to use a word which I do not quite know why, but has become popular of late, a 'gesture' towards decrease of expenditure. In saying that, Sir, I trust Honourable Members will not jump to the conclusion that I do not wish to see military expenditure reduced."

That is the speech which we have had this year from His Excellency the Commander-in-Chief. I submit it is not only not supported by the records but it also indicates the state of mind which has crept in, I do not know when, but it must have been after the speeches made by the Finance Member and the late Commander-in-Chief last year. When it must have

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originated I will dwell on later, but what I do say is His Excellency the Commander-in-Chief's conclusions are not correct, for this reason. This is what Lord Inchcape said, after he recorded the statement of His Excellency the late Commander-in-Chief:

"We consider that it may be possible after a few years to reduce military expenditure to a sum not exceeding 50 crores, although the Commander-in-Chief does not subscribe to this opinion."

Having recorded that he gives us the Committee's opinion:

"Even this is more in our opinion than the tax-payer in India should be called upon to pay."

That is his conclusion. Not that he thought that any further reduction in troops is necessary. The Committee come definitely to the conclusion that the tax-payer in India should not be called upon to pay. Even if the revenues increased "there would still be no justification for not keeping a strict eye on the military Budget with a view to its further reduction".

I submit, Sir, the speech made by His Excellency the Commander-in-Chief goes against the grain of this Report. I should have expected after that speech was made by His Excellency that the Honourable the Finance Member would come and speak to protect the tax-payers of this country against military methods. I expected it, Sir, especially after it had been put down so definitely last year. I expected also he would refer to His Excellency's statement of fact that there have been no complications in foreign relations, and no reason to take any particular extra steps.

He made that statement definitely, so much so that the Honourable Sir Basil Blackett took objection to the Honourable Colonel Crawford's statement that the Waziristan policy was necessary. Having done that, I expected, consistently with last year's statement and the actual facts and the recommendations of the Retrenchment Committee, to which I have made a reference in connection with the Resolution that we discussed some time back, retrenchments to be made. Under those circumstances I am deeply disappointed that this new angle of vision in military expenditure should have come up, and I think it is the business of this Assembly again and again totally to oppose any such tendency to increase expenditure. As I said, in the case of the military expenditure, it is not a question of a few lakhs or a few thousands, it is a question of crores. In the case of the civil expenditure in the last four years they have not been able to add to the expenditure by more than a crore or two, but in the case of the military expenditure it is a case of crores . . . .

**Colonel J. D. Crawford:** How many?

**Mr. K. Rama Aiyangar:** 54 and odd next year. One other remark of His Excellency the Commander-in-Chief which is very very noteworthy is this. He says there has been no fall in prices. That statement can be justified only by the military authorities or by military discipline and not by actual fact. Since 1924 the fall in prices must independently have reduced expenditure. There were two speeches made by Government Members. One is the one by the Honourable Mr. McWaters in presenting his budget in the Council of State. He said there had been a fall in prices from 176 to 163, that is by 13 . . . .

**The Honourable Sir Basil Blackett:** The same is stated in my own Budget speech.

**Mr. K. Rama Aiyangar:** I know the Honourable Sir Basil Blackett referred to that, but it is more than 5 per cent. Between December, 1924, and December, 1925, there has been a fall of 26 for 188 and similarly between December, 1923, and December, 1924, there has been a fall of 13 for 176. I am basing my statement on the figures of the Government; they have been given to the Railway Finance Committee. Therefore, in all it has fallen by 13 for the first year up to December, 1924, and by another 13 for the second year up to December, 1925. Therefore, taking it to be about 10 per cent. for both years, the amount of the fall in military expenditure on account of fall in prices alone, will be about 5 odd crores, but they are now standing at 55 or 56 crores. Fall in prices alone would account for a reduction of  $5\frac{1}{2}$  crores, but we have got to spend next year 54·8 crores. I ask, is that statement of His Excellency the Commander-in-Chief to pass unchallenged by the Honourable Sir Basil Blackett? I ask, does he really question military expenditure on those lines, and if so, could he support its being kept next year at 56 crores?

**The Honourable Sir Basil Blackett:** It is not 56.

**Mr. K. Rama Aiyangar:** 54·8 crores next year. I will raise a further question. In the course of the whole year you had to spend, even over your revised estimate, more than 75 lakhs, as I have already explained to the House. There was a saving of 70 lakhs, but what do we find? That is eaten up by a number of things, and one of such things is a very curious phenomenon, which would probably be a great reflection upon His Excellency the late Commander-in-Chief. It is said that there was an inordinate lack of equipment which had to be replaced by a provision of over 40 lakhs this year, and it is proposed to make a provision for this of 60 lakhs next year. So munitions and other things, the absence of which, I suppose, was not noticed by His Excellency the Commander-in-Chief and not noticed by the military authorities during these two or three years, are to cost us one crore. I submit, Sir, I cannot understand that kind of budgeting for expenditure. It is certainly not what we were told last year. What has intervened I will place before the Assembly later.

Then as to the next year's Budget, that is more unsatisfactory than this year's. Honourable Members will see from page 27 of the Explanatory Memorandum that in payments to demobilised officers alone one crore is saved next year, and in respect of expenditure on Waziristan a further 20 lakhs is saved next year. There is further a statement made on the last line of page 26 of the Memorandum that there has been a saving of 37 lakhs in pensionary liabilities. That is besides the one crore referred to already for payments to demobilised officers. So that we find 1·37 lakhs cut out under two heads, payments to demobilised officers and reduction of pensionary liabilities. So practically the difference between the revised Budget and the Budget for next year is made up of these two items alone. But what about these various items, 40 lakhs for non-recurring expenditure for "equipment" and the extra estimates for higher prices, which was 20 lakhs? All these items are not taken into account. Provision is made only for making allowance for this one crore under one head and 37 lakhs under another, and all the non-recurring items have been put in the next year's Budget and we do not know how this money

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will be utilised later. How are we to find out how it is spent? Even on their own showing there must be a less expenditure of 90 lakhs under these various heads. That is not reflected in next year's Budget, not to speak of what ought to be the retrenchment owing to the fall in prices and to what was said both in the statement of the Honourable the Finance Member and of His Excellency the late Commander-in-Chief. Therefore, I submit the military expenditure has begun to go the wrong way already when we are in times of peace and when it is admitted on behalf of the military authorities that there has been no untoward event. But of course the usual thing is told us that we cannot sleep over any position, unusual complications might arise at any moment, and therefore we must be always alert. It was for being alert that the Retrenchment Committee recommended this expenditure. They refer to this particularly at page 13 of the Retrenchment Committee's Report in paragraph 13, subparagraph 3.

"The underlying principle of the present organisation appears to be that the Assembly should be in a continual state of preparedness for instant operation. We are informed that the total cost, etc."

In discussing that they do not say a word about the scheme put forward by His Excellency that they should not be ready for contingencies. On that basis they make their recommendations. I challenge His Excellency the Commander-in-Chief—who is unfortunately not here—but the Military Secretary is here, to show me any passage in the Retrenchment Committee's Report which shows that they did not take into consideration this readiness to be prepared for war in making their suggestions. In paragraph 5 they do speak of further reducing the expenditure by increasing the reserves and also by the period of enlistment with the colours being increased. They expect a further large saving; but that is quite different. We are now concerned only with the 50 crores recommended by them on the establishment charges that they refer to and on the fighting forces necessary, which, as has been said, has been completed by disbandment of cavalry. Therefore it is clear that the Retrenchment Committee has provided for that state of preparedness referred to by His Excellency the Commander-in-Chief, and that the expenditure has been growing abnormally. That, I submit, Sir, wants explanation. It is not satisfactory. The Assembly would be reposing in very false confidence if they do not fight this question, and if the civil side of the Government of India Administration do not take it up earnestly and press it as much as possible in the interests of the tax-payer. Are we in these peaceful times to go on spending 50 crores when the expenditure before the War was 29 crores 84 lakhs? I submit, Sir, there is no explanation for this anywhere. I may be right or I may be wrong—I shall be very glad to know that I am wrong—but I do suspect, Sir, that the whole thing has been caused by certain wrong interpretations being given to the speech that has been made by the present Secretary of State, Lord Birkenhead, in connection with this constitutional reform question. He uses language, Sir, which I think must have rather made the position bad here for military expenditure. He says it in connection with the question of having separate Indian units and the training of the 8 units no doubt but he uses language which on the whole seems to be rather wide of its mark. He says:

"No sane Government will allow its Army to become the toy of political parties."

Taking it in the connection in which it appears he can never have meant that that will necessitate the military going on adding to the expenditure even against the recommendations of the Retrenchment Committee. I have no doubt he meant it in connection with whether the 8 units should be all Indians or should be combined units of Indians and Englishmen. That was the only question he was considering and "the toy of political parties" of course does not at all refer to the expenditure question which stands and to which he in fact referred in the earlier portion of his speech. There he referred to the Retrenchment Committee's recommendations and the attempt being made to give full effect to them; therefore he could not have meant any such thing; and I do ask, where is the reason for the military expenditure going up? They only deduct 1·40 crores for next year. That is what it comes to according to my calculations. The rest of the items said in the Military Budget Memorandum expressly to be non-recurring are not deducted. They have been added on, there is no reduction in those items next year—not even the 15 lakhs provided for the purchase of ghee at the proper season to be available next year.

**The Honourable Sir Basil Blackett:** Why not? Is it not profitable to purchase early next year too?

**Mr. K. Rama Aiyangar:** If you have budgetted this year, the Budget will secure the 15 lakhs next year . . . .

**The Honourable Sir Basil Blackett:** The Honourable Member must surely see that if you bring forward a payment permanently from April to March in one year you have to provide that twice, namely, in the current year in this case, and in future years you have to provide it once. It makes no difference at all.

**Mr. K. Rama Aiyangar:** Yes. Then there is the 60 lakhs for a payment which is a non-recurring expenditure and every year you are going to provide this 60 lakhs. You have provided 60 lakhs next year.

**The Honourable Sir Basil Blackett:** It is stated that the 60 lakhs are mainly non-recurring.

**Mr. K. Rama Aiyangar:** It may be said to be non-recurring but 60 lakhs will be taken from us every year. It will be one crore added like that and the poor tax-payer in India will have to pay for the peculiar fancies and ideas of His Excellency the Commander-in-Chief and others. (*An Honourable Member:* "And the Finance Member".) No, I do not say the Finance Member at all. I am asking him to fight for us. He has to stand by the Retrenchment Committee's Report. He is the Government's financial expert to whom the credit for any savings must be given and his final conclusion must estop His Excellency the Commander-in-Chief and all military officers. I say if the Civil Government in India is not prepared to fight with us it will be woe to the country. As I said the other day, we may even have to go to the length of the fight between Lord Curzon and Lord Kitchener over this military question. Unless that happens India is not safe. The War is completely over, and when you have at least a 10 per cent. fall in prices you cannot allow, when 50 crores has been settled at the highest price, to keep it even at 54 or 55 crores: it must go down to 37. or 40 or 45 crores. Even if income increases, even if India's finance become better, even if there is much more money available for expenditure, more money should not be given to the military. On the other hand, further reductions should be made. Nobody can deny, Sir, that with the

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extra war machinery that you have, that has been dwelt upon by the Retrenchment Committee, the whole establishment that is now retained is too much for the purposes of this country at this time. Of course I am not an expert and the matter must be left to His Excellency, but His Excellency has accepted the recommendation made by the Retrenchment Committee that he will increase the reserves by altering the scale of pay, which is also discussed in paragraph 5 of their Report; and His Excellency has also agreed that it will be possible by increasing the period of enlistment with the colours to reduce expenditure. Have any steps been taken in that direction? (Mr. E. Burdon: "Yes, Sir!") I am very glad to hear that. If it is so, you must reduce the fighting services. I have not been able to trace any such reduction. On the other hand, one peculiar feature I have seen in following the figures is that between last year and this they have added 770 followers extra. 770 more men taking all their travelling expenses, pay and other things into account I have calculated—I may be wrong—come to at least 25 lakhs. That has been added to in the course of last year. The followers that were reduced in the previous year have been tacked on this year. I really do not know how you can argue that in this time of peace you want those extra followers.

**Mr. President:** What the Honourable Member has been saying for the last thirty-five minutes would have been perfectly relevant on the general discussion of the Budget. It is not strictly relevant at this stage. However, the Chair allowed him reasonable indulgence in view of the fact that he had for certain reasons kept quiet on the general discussion of the Budget. But if he thinks he has a right to talk on any conceivable subject at any length at this stage, he is much mistaken.

**Mr. K. Rama Aiyangar:** I want to know the ruling of the Chair; I will explain myself. I have been under the impression that I am entitled at this stage of the discussion of the Finance Bill to take whatever time is necessary for placing all my views before the House. I do not know whether I am right. If the Chair rules that I must limit myself to any particular time limit I will do so; but I have other points to urge.

**Mr. President:** The Chair is perfectly willing to give some indulgence to Honourable Members, who for various reasons missed the first opportunity. But the Chair is certainly not prepared to allow them to enter into the details of every question at this stage.

**Mr. K. Rama Aiyangar:** In the case of the Finance Bill, Sir, I am entitled to take as much time as I like.

**Mr. President:** If the Honourable Member claims that he is entitled to speak without any time limit, the Chair will be compelled to exercise its right to keep the Honourable Member strictly relevant. The motion before the House is that the Finance Bill be taken into consideration; but the Chair is prepared to allow him to go into the general discussion of the Budget, provided he does not enter into minute details.

**Mr. K. Rama Aiyangar:** Of course, Sir, the question is that the Finance Bill be taken into consideration. I am opposing the motion for the various reasons I have put forward; and for that reason I say that I will show that the 13½ crores that is sought to be levied by the Finance Bill is unnecessary and I want to explain every bit of it. If I am right, I want to have the ruling of the Chair. If I am not, I will certainly try to limit myself.

**Mr. President:** The Honourable Member is perfectly entitled to oppose the Finance Bill; but he knows perfectly well that all that is relevant on the general discussion is not necessarily relevant on this motion. He will be allowed to discuss the general principles underlying the Budget, but the Chair hopes that the Honourable Member will not enter into details of these principles. The Chair must protect the rights of other Members who are anxious to take part in this debate.

**Diwan Bahadur M. Ramachandra Rao** (East Godavari and West Godavari *cum* Kistna: Non-Muhammadan Rural): On a point of order, Sir. May I ask you whether it is not open to any Honourable Member of this House to offer any general observations he wishes to offer in regard to any portion of the administration under the Government of India on the Finance Bill? I thought that that was the general drift of the ruling which your predecessor had laid down in regard to the Finance Bill. I have nothing to say with regard to my Honourable friend's observations in regard to the Budget, but I thought, Sir, that the principle I have just stated had been established in this House.

**Mr. President:** The principle which the Honourable Member has stated is perfectly right. Honourable Members are entitled to offer general observations, but they are not entitled to go into details. At the same time Members speaking must have some regard to the claims of other Members.

**Mr. K. C. Neogy** (Dacca Division: Non-Muhammadan Rural): May I say a word on this point, Sir? If you will turn to the proceedings of this House of the 20th March, 1922, you will find that Sir Sivaswamy Aiyer was allowed to make a sort of a general budget speech on the Finance Bill. When he went into certain details some Honourable Members rose to points of order, and it was on that occasion that your predecessor in the Chair pointed out the exact position in this matter. I crave your leave, Sir, to place the observations . . . . .

**Mr. President:** The Honourable Member will understand that the Chair has not disputed the correctness of the ruling.

**Mr. K. C. Neogy:** May I point out that this privilege has been laid down by Sir Frederick Whyte to be subject to certain limitations? I was going to point out those limitations. I do not agree with my Honourable friend, Diwan Bahadur Ramachandra Rao, entirely on this point. That is the reason why I got up. You will find, Sir, that when Sir Sivaswamy Aiyer rose to deliver his speech, Sir Frederick Whyte stated:

"It is legitimate on a motion that this Bill be taken into consideration to discuss those items of public policy which have contributed to the deficit, but such details as the Honourable Member is now giving are beyond the bounds of order."

Then later on he said:

"It is open to the Honourable Member to discuss in more general terms. He is now discussing Army estimates, which is not in order."

Then later on again, when Sir Sivaswamy Aiyer had gone on for some time, Sir Frederick Whyte pointed out:

"It is open to the Honourable Member to fortify his general remarks with a certain number of statistics but the details which he is giving now go beyond the bounds of reasonable order."

So that, Sir, although the privilege is conceded, that Honourable Members have got a right to speak in a general way on this motion, I think that privilege is subject to certain conditions which were laid down by Sir Frederick Whyte.

**The Honourable Sir Basil Blackett:** May I, Sir, as Member in charge, just say a word in this matter? I think it is very important, if I may say so, that we should not lose sight of the principle that the opportunity is given of discussing broad questions on the Finance Bill as well as on the general discussion of the Budget. But I do strongly support the appeal which the Chair has made to Honourable Members to use that opportunity reasonably. There is a time limit of, I believe, fifteen minutes during the general discussion of the Budget; and if that time limit is required then, it is obviously unreasonable that an Honourable Member should take up an hour and a half on details which it would be quite impossible for me to answer in less than an hour and a half. I would venture, Sir, to reinforce the appeal of the Chair that Honourable Members should use the wide discretion the Chair has given them and use it more moderately.

**Mr. K. O. Neogy:** May I point out, Sir, that the difficulty which the Honourable Member has referred to is due to some extent to the manner in which this agenda paper has been prepared? On past occasions we had two specific days for the disposal of the Finance Bill. On this occasion we have here lumped up together several motions dealing with several Bills and other matters set down for to-day, to-morrow and subsequent days. As the discussion of the Finance Bill is subject to the rules relating to all legislative measures, there is certainly no time limit on speeches. I should protest very strongly against any attempt on the part of the Government to curtail any of our privileges.

**Mr. Mahmood Schamnad Sahib Bahadur** (West Coast and Nilgiris: Muhammadan): Sir, it has been the custom to give two clear days for the discussion of the Finance Bill. It is only this year we see that so much other business is included along with this. In previous years it has been the custom to give two clear days for the discussion of the Finance Bill.

**The Honourable Sir Alexander Muddiman** (Home Member): Sir, I must just point out that it has never been the practice to give two days or any specified time to the Finance Bill. The Bill is put down on the paper and, if it is not finished, the discussion will have to go on for one or two or more days till it is finished. The mere fact that we have a running agenda was with the object of giving the House full information as to what business there was to be taken up. The discussion on the Finance Bill will go on whether it is finished in one or two or three or four days. The preparation of the agenda in no way limits the discussion.

**Mr. K. Rama Aiyangar:** Sir, in view of your remarks, I will try to cut short my remarks; I wanted to take more time, but I shall not. I have finished my remarks relating to the military Budget. I only say that it should be quite possible to reduce expenditure, to bring it down to fifty crores immediately, and further attempts should be made to take it below that figure if possible later.

The next point that I want to place before this Assembly relates to the amount provided for the reduction and avoidance of debt. I have discussed it fully the other day and I do not propose to take any more time on that, except to state that as a policy I request the Honourable Finance Member to come to an agreement with this Assembly that we shall not, taking both the accrued surpluses and the provision for reduction and avoidance of debt, appropriate more than five crores at the highest for debt provision, subject of course to the qualification that if one-eightieth of the debt between 1923 and the year concerned becomes more so as to make a provision of more



than five crores necessary for that reason, the question may be decided separately. Except for that, I want him to come to an understanding with this side of the House, and we shall take it as an almost unwritten rule of this Assembly that no provision will be made of more than five crores inclusive of this one-eightieth and the portion extra for the purpose of debt reduction. If there is any balance, any accrued surpluses, which must be in view of the careful budgetting that is being made, that must be taken towards non-recurring expenditure next year. Of course we have enough non-recurring expenditure to cover extra amount that we might have in the way of accrued surpluses. Therefore that will be an indirect way of enabling the country to rid itself of this heavy burden which has been thrown upon it during the War. No argument can be advanced that because the deficits arose during or after the War this generation should pay more than the scientific basis that was sought to be arrived at by the Honourable Sir Basil Blackett; we have been disputing it, and we do dispute it even today. Sir, it can be decided only after either a Committee is appointed to go into that question or after the Assembly with its full strength is able to devote its attention to the subject. For the productive debt of one-eightieth each year is disputed, and for the non-productive debt of the war kind, as also the building kind, the provision of 15 and 50 years, as suggested by the Honourable Sir Basil Blackett, is also disputed. A decision on this point will have to be arrived at after some settlement, but pending that, I would request the Honourable the Finance Member to take this as the guiding line. That will therefore enable us to wipe off about one hundred lakhs from the present year's Budget.

The third item that I want to take up is the question of budgetting for receipts under the head Customs. I find on an examination, Sir, that for receipts under Sugar there has been considerable caution observed in budgetting. It has been found in 1921-22 that the receipts under the head Sugar were 650 lakhs, but the provision made for next year is only 570 lakhs, though this year it is more than 650 lakhs. That shows that there has been a little bit of over-caution. There are also other heads under Customs in which the receipts have been budgetted rather closely. My suggestion is that this budgetting has been made not to show much of a surplus, but it will come in the course of the year, and nobody is going to take it away. But if you come to this arrangement relating to accrued surpluses and money to be taken for reduction and avoidance of debt, the country will be safe. On the other hand, such reduction as might be made for the country by means of this extra tax should be done at the earliest possible moment.

Again, Sir, under the head Income-tax, I find that though the Department has been disappointed in its receipts this year and in the previous year, the receipts for next year are budgetted over-cautiously. Another half a crore under the receipts would have been quite feasible for this reason. We find that the balance of trade has been in favour of India both in 1924-25 and in 1925-26 beyond expectations, and all that is necessary is that there should be income available in the country. It may be possible, because the whole income-tax levy is being now scientifically worked out. All these two years' income in the country by this extra merchandise in favour of the country will bear fruit, in the course of the next two years, because these two years have not borne fruit though prices of articles have come down and many advantages gained by the War; actually what happens is that they have not realised the whole profits, and they may not be liable to taxation immediately. But the effects of these must be felt in the course

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of the next year, and this over-caution in taxation is not really very good. That is only an attempt to take away to the surpluses as much as is possible by the Budget.

The next thing that I have to refer to is the Railways. In my view there is a sum of clearly 70 lakhs which has not been brought into account by the revised Budget. I will give the reasons. In the total working expenditure in 1924-25, which gave the highest income derived by the Railways so far, the total expenditure, inclusive of the customs duty remission, comes to 64 crores. But the provision made in the current year's revised Budget is nearly 66 crores, though the income is less, which must mean that there should be some reduction, because there is a separate provision for the depreciation fund, and the amount has been fixed at 7½ crores for the current year, and therefore there could not be revenue provision made for capital works. That being so, the actual expenditure must be much less. If, therefore, 1.60 crores is the amount that will have to be reduced from the expenditure provided for this year, in the one-fifth share of the profits as also the one-third share over and above the 3 crores reserve, the total provision that will be actually available will be about 70 lakhs. For the same reason the Budget of next year provides for 67 crores expenditure, and this year's Budget also provides the same.

**The Honourable Sir Basil Blackett:** Sir, I should like to protest against any discussion on the Railway Budget being carried on now. We had an opportunity of discussing that already.

**Mr. K. Rama Aiyangar:** I am not referring to the Railway Budget itself, but I am referring only to the portion of it that contributes to the general revenues. There again, Sir, about one crore more would be available to be taken over to the General Budget.

These are the various heads that I want to place before the Assembly in considering the Finance Bill. I submit, Sir, that all these will show that our position is very satisfactory, and we ought not to grudge a little relief being given to the tax-payers of this country.

**Rai Sahib M. Harbilas Sarda** (Ajmer-Merwara: General): Sir, I rise to raise an objection to the passing of the Finance Bill, because my province has not received proper attention from the Government of India, and I have not had an opportunity of laying before the Government some of the grievances which call for redress. When the Budget for my province came up, there was no time given for discussion, and I was not afforded an opportunity of saying anything. That was because of the exigencies of the Budget, the way in which the Demands for the various Grants are placed in the agenda.

Sir, last year when I proposed my Resolution regarding the establishment of a Legislative Council for Ajmer-Merwara . . . (Mr. N. M. Joshi: "You did not vote for it.") I did, but you did not vote for it. Sir, last year when I proposed my Resolution, I showed the importance of my small province from a strategic, political and cultural point of view, and I do not want to say anything more about it to-day, except that, though it is a small province, anything done or said there reverberates throughout Rajputana, a province as large as France. I therefore request Government not to take a parochial view of the administration of Ajmer-Merwara, for the separate

existence of that province is a necessity imposed by political considerations—considerations which weigh heavily with the Central Government. Sir, speaking in February last year, I showed how my province had benefited under British rule, and I do not hesitate to acknowledge the response made by the Government with regard to several of our demands for redress of grievances which I have had the honour of bringing before this Assembly during the last two years. Sir, when the Reforms were inaugurated first in 1921, my province was left out in the cold: it had neither lot nor part in them. The Government saw the mistake, and they have now given us representation in the Assembly, however inadequate it may be, but no voice has been given to us in the framing of our local laws and regulations.

Early in 1924, I voiced the grievances of the people of my province with regard to the judicial administration of Ajmer-Merwara. I showed then that not only was the judiciary ill paid but that the machinery of Government to deal with litigation in that province in its final stages, that is the highest court of appeal, was ill adapted to perform functions which had been entrusted to it.

Government have since given us a Judicial Commissioner and that grievance has been removed. (*An Honourable Member*: "Extra 1 P.M. expenditure.") No, Government have given a Judicial Commissioner for two provinces. He is a joint Judicial Commissioner for Ajmer-Merwara and Gujerat so that there is no extra expenditure, and yet our grievance has been removed. (*An Honourable Member*: "What about Kathiawar?") Kathiawar is a part of Gujerat. (*An Honourable Member*: "Is it?") It is. Politically it is a part of Gujerat. These are Kathiawar, Cutch and others.

There was another grievance which I brought to the notice of Government. Those students from Ajmer-Merwara who were desirous of receiving education in engineering were under a great disability. That grievance also has been removed by Government. Another grievance is that Ajmer-Merwara is still governed by Regulations and laws framed 40 and 50 years ago, many of which have become obsolete and out of date. I am glad that one of these Regulations,—the most important one—the Ajmer-Merwara Municipalities Regulation, has recently been repealed and a new and improved Regulation has been brought into force. Thus, while we acknowledge the response made by Government to some of our demands and acknowledge our Local Government's sympathetic attitude, I should be failing in my duty if I did not bring to the notice of Government many grievances which urgently call for redress. Sir, I have brought to the notice of the Government several times the hard case of the subordinate judicial and executive officers in that province but Government have not been pleased to take their hard case into consideration and give them some relief. Government have done nothing to remove the injustice done to those officers who have been doing archaeological work in that province—a province rich in antiquities and in historical traditions. Another great injustice which has been done by Government to our province and which has caused great dissatisfaction and discontent is the introduction of an exorbitant scale of court fees and process fees. Not only are these fees higher in Ajmer-Merwara than in the United Provinces, but when we consider the chronic famine conditions of my province, the oppressive character of these fees becomes quite clear.

**Khan Bahadur W. M. Hussanally** (Sind: Muhammadan Rural): What about Bombay?

**Rai Sahib M. Harbilas Sarda:** The process fees are higher in Ajmer-Merwara than in Bombay.

**Khan Bahadur W. M. Hussanally:** I doubt it.

**Rai Sahib M. Harbilas Sarda:** If you study the figures you will find it. Another grievance which I wish to bring to the notice of the Government is that the Superintendent of Education in Ajmer-Merwara does not reside in that province, and does not remain in touch with the educational problems and requirements of the province. With his preoccupation with the duties of Educational Commissioner to the Government of India he is quite out of touch with the establishment of the Educational Department in Ajmer-Merwara, and he is not able to do full justice to it. I therefore request that Government will take an early opportunity of revising the scale of court fees and process fees and thus remove one cause of dissatisfaction, and give the teachers of secondary schools a time-scale which has been introduced in the college as well as other departments of the Administration, and also see that the Educational Department is placed in the hands of a person who is in touch with that province. Another great grievance which we are suffering from . . . . .

**Mr. President:** Order, order. The Chair has no objection to the Honourable Member referring in a general way to the grievances of his province but he is not entitled to go into the details of those grievances at this stage.

**Rai Sahib M. Harbilas Sarda:** With your permission, Sir, I wish to put these forward because there was no opportunity given to Ajmer-Merwara to ventilate its grievances. When the Budget for it came, the guillotine was applied.

**Mr. President:** It is not the fault of the Chair. The Chair has got to interpret the rules as they are.

**Rai Sahib M. Harbilas Sarda:** Very well, Sir, I would say a few words about the salt duty as it affects the industry in Pachbhadrā? That, I suppose, will be in order. There are two chief places where the salt industry flourishes in Rajputana, Sambhar and Pachbhadrā. Pachbhadrā salt is in some respects superior in quality, but as it is situated at a little distance from the chief salt marts, it labours under a great disadvantage. Government have, during the last few years, raised the price of Pachbhadrā salt and that industry is consequently dying. Pachbhadrā has a population of about 5,000 or 6,000 and the population is dwindling. The neighbouring villages which used to supply labourers for that industry are also suffering. The price of salt has gone up by leaps and bounds. In 1890 the price of Sambhar salt was 8 annas; in 1893 it was reduced to 4 annas 3 pies, and in 1918 it was raised to 4 annas 6 pies. The original price of Pachbhadrā salt in 1893 was 1 anna 9 pies; in 1919 it was 2 annas and in 1921 it suddenly rose to 4 annas 6 pies. This action of Government has to some extent injured the vital interests of the people of Pachbhadrā and the villages around. In 1923-24 the salt manufacturers there have suffered a loss of Rs. 9,99,000. One factor in this state of affairs is the raising of the railway freight. From Pachbhadrā to Kuchaman Road, a distance of 217 miles, the freight is 4 annas 1 pie per maund; from Kuchaman Road to Kotah the distance is 203 miles but the freight is

5 annas 9 pies; from Kotah to Saugar, which used to be the principal mart, for several years, for Pachbhadra salt, the distance is 237 miles but the freight is 8 annas 1 pie. This disparity in the railway freight, particularly on the Great Indian Peninsula Railway, has told very adversely against Pachbhadra salt, and we hope that Government will see that this industry is not handicapped and that the people of Pachbhadra do not suffer. Government have recently tried to raise the price of Pachbhadra salt against the interests of that place. I therefore request that the interests of the industry be safeguarded.

**Mr. B. Das** (Orissa Division: Non-Muhammadan): May I inquire whether the Honourable gentleman is speaking against the salt tax or the manufacture of salt?

**Mr. President:** The Honourable Member began by saying that he was opposing the Finance Bill but the observations that he was making were not at all relevant.

(A voice: "The Honourable Member has finished and resumed his seat.")

**Mr. Ahmad Ali Khan** (Assam: Muhammadan): Sir, after the series of deficit Budgets which we have had for a number of years it is gratifying to find that the period of deficits is gone and the pendulum is swinging back in the other direction. Sir, if the Budget is to be reviewed as a whole, I have no hesitation in saying that there is nothing startling in the Budget. It shows steady and slow progress. I may further say, that the Budget has struck me as an attempt on the part of the Honourable the Finance Member to mark time, if I may express it in that way. He has carefully abstained from launching on any large scale of fiscal re-arrangement on the ground (*An Honourable Member*: "What about the cotton excise duty?")—I am coming to that—on the ground that the Report of the Taxation Inquiry Committee is new and cannot form the basis of action for this year. I believe he is also waiting for the Currency Commission to make its report and perhaps he is waiting also for the Royal Commission on Agriculture to make its report. (*Mr. M. A. Jinnah*: "By that time he will have retired.") The country is no doubt glad to find that the Honourable the Finance Member has at last succeeded in suspending the cotton excise duty with a view to abolishing it in the near future. This will no doubt help the mill industry in the difficult times it is passing through, but from the reports I have received it seems that there is still stagnation in trade in that part of the country and some of the mills are again desirous of stopping work. Hitherto Government, and I make this charge in all seriousness, had not realised that a special and vigorous effort should be made in the direction of improving the lot of the ryot. They have only just come to realise that not enough has been done so far to assist the Indian agriculturist on to a higher level of comfort and purchasing power. Recently we had the announcement from His Excellency the Viceroy of the appointment of a Royal Commission on Agriculture and it has come none too soon. Speaking for myself, I am rather sceptical of the practical utility of the Royal Commission. I feel that the agricultural problem is much too large and of much too varied a character, to be effectively dealt with by any single Commission. I am further fortified in my view by the fact that the Royal Commission will be debarred from considering certain factors which play a very important part in increasing the difficulties which the ordinary

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peasant has to face. Certain questions relating to land tenure and assessment have been deliberately shut out from their consideration. While I am referring to the Royal Commission on Agriculture I cannot help drawing the attention of the Honourable Members on the Government Benches and of this House generally to the deplorable position of the sugar industry in this country. I spoke about it two years ago. It is undoubtedly one of the primary industries of the country and personally, I do not see any reason why we should be in such a backward condition. Honourable Members will remember that a Sugar Committee was appointed some six or seven years ago and it made its report in 1920. It made very important recommendations. One of its recommendations was that the industry should be organised on the lines that exist in Java. It recommended the establishment of a Sugar Board and simultaneously with the establishment of that Board there was to be an Imperial Research Institute with three divisions, agricultural, chemical and engineering. I want to know from the Honourable Member in charge how far these recommendations have been carried out. Those three divisions were to control the work of the Research Institute. It was further recommended that a levy should be made on the factories supplemented by Government subsidies and that sugar schools should be established which were to be finally affiliated to the University and the University was to confer the degree of B.Sc. in sugar research. To my knowledge very little has been done to carry out the recommendations of the Committee and after that it is not surprising to find the low position we occupy compared to Java. An acre of land under cane here produces only one-fourth of the amount produced in Java. I will not go any further into details but I hope the Honourable Member in charge will tell us how far the recommendations of that Committee have been carried out. I want to say a word about the proposed foundation of a fund for archaeological research in this country, but as the Honourable the Finance Member will bring in a Resolution before the House I shall reserve whatever I have to say on the subject for that occasion.

Before I conclude I should like to draw the attention of the House to the fact that, personally, I was disappointed in that there had been no remission of taxation. We were all hoping, in view of the feeling expressed in the speeches delivered on the occasion when the question of a reduction of postal rates came up before this House, that the Honourable the Finance Member would make a real effort to meet us half-way at least, but as his statement contained in this white pamphlet shows, he is very reluctant to do so. He says not only that there should be no expectation of reduction in postal rates now but that he does not hold out any hopes of such reduction in the near future.

**The Honourable Sir Basil Blackett:** May I know what the white pamphlet is? Is it my budget speech?

**Mr. Ahmad Ali Khan:** Yes. I am quoting from page 47 of the Honourable the Finance Member's speech:

"Unless therefore the future holds out the prospect of a considerable further fall of prices to at least the 1914 level—a development which would probably be undesirable in the general interests of India's prosperity—we must admit the logical conclusion that the day of the 3 pie postcard and the 6 pie letter is past beyond recall."

—I do not know, Sir, if we can all subscribe to this view—

"Much as we may regret this inevitable conclusion, it is better that we should cease to delude ourselves with unrealisable hopes and should set ourselves to secure the maximum efficiency and the greatest possible facilities to the public from the department as things are to-day."

Sir, this is a very disappointing statement and gives us no hope whatsoever of the reduction of rates in the near future. I may say, in other words, that there is no hope of a reduction in this direction for another five years or so. Sir, these are the only observations that I desire to make.

**The Rev. Dr. E. M. Macphail** (Madras: European): Sir, at this stage there is only one point to which I wish to call the attention of the Honourable the Finance Member. It is well known that Education is a transferred subject. Still, the Government of India have something to do with education, especially in those parts of India which are directly under them. It seems to me that the Government of India have a duty to the whole country at the same time, specially in connection with University education. Two years ago the Government of India summoned a Conference of Universities at Simla. That Conference met at Simla and drew up a scheme by which an Inter-University Board was created. That, I think, was one of the chief works that the Conference carried out. As a result of that, the Conference met in Bombay in March of last year and formed a constitution for itself. On that occasion the Government of India paid the travelling expenses of the members of that Board. All the Universities in India with the exception of three have joined that Board, and it seems to me that it is a most worthy object on which the Government of India should spend money. It seems to me, Sir, that as this is an all-India organisation and has actually been called into existence really by the Government of India, it is desirable that those Universities which are at a distance should not be handicapped from attending the meetings of this Board by being saddled with the travelling expenses. Suppose, Madras is fixed upon as the centre at which the Inter-University Board shall meet on one occasion, it is extremely probable that a number of universities up here will not feel inclined to send their delegates down there because they have to pay such a large amount for travelling expenses. Sir, it seems to me that this matter is of considerable importance. It is, of course, a small matter financially but it is very important educationally that everything should be done to encourage the working of that Board and that the travelling expenses of the annual meeting of that Board should be paid for by the Government of India. Also it is desirable that the Government of India should give a grant towards the expenses of keeping up the staff of that Board. I should like to call the attention of the Honourable the Finance Member to that point.

**Dr. K. G. Lohokare** (Bombay Central Division: Non-Muhammadan Rural): Sir, I had proposed, when I read the Finance Bill, to oppose its consideration at this stage. But when I looked at the clauses of the Bill, I found that there was something else in it too—remission of a tax! In the words of our friend an official Member from my Presidency, I thought:

"The qualities in fish we meet  
In the Finance Bill do now prevail  
The gills are soft and neat  
And the pricks are left in the middle."

Sir, that is what I have found in this Finance Bill—some prick in the sections in the middle. The counts on which I wished to oppose this Bill were three. The first was the inattention on the part of this Government to the

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demand of the nation. The second was the excessive expenditure on the Army and the third was the unjust taxation. Before I take up these counts seriatim, I should like to congratulate the Honourable the Finance Member on the success he has attained during the past few years. Although I have my counts against him, he must be given his dues. From the people he gets some gratitude for his ability in setting right the financial position of the country during his tenure. On the other counts he has his share as a partner of that august body, the Government of India, and he will have to share yet another charge of unjust taxation to some extent too. Sir, whenever in this House demands for a further grant of reforms were made by the Members of this House, the only answer that Government Benches gave us was the word "co-operation". I request permission to trace what this word "co-operation" means.

**Mr. President:** Does the Honourable Member wish to raise the constitutional issue on this motion?

**Dr. K. G. Lohokare:** If I am permitted, I propose to take it up as one of the causes.

**Mr. President:** Is it the desire of the Honourable Member to discuss that issue at this stage?

**Dr. K. G. Lohokare:** If the Chair permits, Sir.

**Mr. President:** The constitutional issue was discussed only the other day at great length and the Chair cannot permit the repetition of that discussion. The Honourable Member can, however, refer to it in a general way.

**Some Honourable Members:** Withdraw.

**Dr. K. G. Lohokare:** Since the Chair is not pleased to permit me, I will not discuss the constitutional issue. I would have disposed it of in a few words as I did not intend to discuss it at length.

Well, Sir, I come to the next count, namely, the heavy expenditure on the Army. In 1923 the ratio of expenditure over the defence services in other countries was as follows: France spent 23 per cent. of her revenue; Japan, with her Navy and Army, spent 25 per cent.; England spends about 17 per cent.; while India to-day spends not less than 45 per cent. without a Navy. The percentage as compared with the revenue in the case of India is so high as to leave scarcely any margin for the material and moral progress of the country. Sir, the causes of this heavy expenditure are manifold. The first and foremost cause that strikes everybody is the ratio theory. That for every two Indian fighting men there ought to be one British man is the theory lying at the bottom of this heavy expenditure. It was after the Mutiny that this theory was introduced and it is yet dominating. It may be that after the Mutiny British statesmen thought of having a safety ratio; but to-day at a stage when the mechanical machines of destruction have so far advanced and are so predominant a feature of modern warfare, we find in addition to this safety ratio a further safety guarantee in the form of tanks, armoured cars, aeroplanes, artillery and everything of the like nature absolutely



manned by the British. Sir, the days of 1857 and the subsequent period have changed. Mechanical devices have been invented, and have come to help the forces of destruction and defence of a country, and in India these mechanical forces are absolutely in the hands of the British. What need therefore is there for maintaining that safety ratio of 1 to 2 and to saddle the country with the expenses of the British units? We know that expenditure for British units is more than four times the expenditure for Indian units, and in spite of the present heavy military expenditure this ratio theory has yet been occupying the minds of the administrators and saddling the country's exchequer with such a burdensome expenditure. Sir, times have changed now. The people of India realise that a mutual British attachment is necessary. Improved arms of destruction have placed at the command of the Government a far more powerful guarantee than the former safety ratio. In spite of such guarantees, I want to ask, Sir, if that theory of safety ratio is yet to be maintained. Sir, the second increase I find is in the strength of officers of the army, particularly in the increased number of British commissioned and non-commissioned officers. The number of British officers in 1913-14 was 6,428 while in 1922-23 and to-day it is 6,832. The total of officers from other ranks in administrative services in 1913-14 was 2,263, to-day it is more than 5,000. Sir, it means they gave something with one hand and took away with the other. That is the result we see in the increase of officers from British ranks in the ancillary services. In the ancillary services, in the Supply Department I do not see what reason there is to maintain the British non-commissioned officers' ranks in charge of depôts everywhere. I would like to know what need is there for maintaining the non-commissioned officers and British warrant ranks and persons promoted from the ordinary ranks in charge of the depôts. Could they not very well utilise educated Indians here? Could they not utilise Indian officers and place them in charge of supply depôts with some training? But, Sir, economy was not the point that they wanted to see there. It is much more the British prestige that they want to maintain in each and every line. I think of the engineering services, Sir. We have a number of Indians trained and left unemployed in mechanical engineering, in road engineering, in civil engineering. They could very well have taken some of them and put them on as warrant officers with a smaller scale of pay. In the civil departments these men start on Rs. 70 and work willingly if they have prospects up to Rs. 200. You give British non-commissioned officers more and so spend unnecessarily. In every branch of the ancillary services you have been maintaining these British non-commissioned officers and giving them extra pay and adding to the expenditure in each and every department. The same is the case with the medical and the Royal Army Medical Corps. You have in this service persons beginning from the lowest to the highest rank. You require additional men as Assistant Surgeons in addition to the full complement of Royal Army Medical Corps men and officers. Why not then reduce the strength of the officers of the Royal Army Medical Corps? You have fully qualified Indian Medical Department men with five years' professional training here fit to take charge of a good deal of hospital work and yet you set the Indian Medical Department aside and appoint Royal Army Medical Corps officers even for work requiring ordinary professional skill. It is double expenditure, heavy staff, with less work, it is nothing else; but because in India you have got certain long established ideas you continue such formations blindly without looking into the altered conditions and circumstances which are altering still

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further. The same is the case with the Sub-Assistant Surgeons. You first created the class to serve as hospital mates, and in spite of a change in their course of professional training, you yet utilise them for non-professional work. You do not pay them as much as they deserve in these days because you could not re-arrange the organisation of hospitals after the change in circumstances. You have been doing this by overlapping the staff and underpaying all or almost all these subordinate services. How is it possible for you to economise the expenditure of the Army when you are spending over and above unnecessarily, double, treble, in every case? From the official reports it is seen that in hospitals a large number of beds are maintained without being occupied. The strength of the staff employed was based on the strength of the total number of beds. Although some effort has been made, not much has yet been achieved in recasting the administration in such a way as to reduce the cost and put efficiency on a proper basis. Sir, the whole organisation needs a careful overhauling in each case. It will contribute to economy and still more to efficiency. Sir, the frontier policy as well is another drain on the purse of the country. This method of providing subsidies has added so much to our cost that we could very well have thought of a forward policy rather than have this "do nothing" policy. The amount of money that is being spent every year simply to bribe people would be far better spent once for all in taking preventive measures to drive away the foreign invaders. Sir, the policy that is being pursued creates a serious continuous drain on the treasury of the poor Indian tax-payer.

I next come to the second count of unjust taxation, and I take first the case of salt. Sir, in spite of India having facilities for production of her own salt, methods were found to push in imported foreign salt into this country. I am told, in the days of Lord Lytton post offices used to sell small packets of tea at one pice, just as the post office sells quinine to-day, simply to make tea popular. With similar devices known as popularisation in commerce this imported white powder of salt was pushed in in Bengal since a long time. Bombay and Madras salt should have had their market in Bengal, but there were certain difficulties in the way and these difficulties are yet being maintained. The Taxation Inquiry Committee Report deals with the matter now and I hope Government will see that imported salt does not get the upper hand over the indigenous salt. Given the facilities for importing local salt in Bengal—foreign salt is but an article of fine tastes—why not put up the tax on this imported salt to double of what it is to-day? Poor people do not find it necessary to have that variety of salt simply for the sake of its colour. If the fine white variety is the choice of some, it is an article of luxury, and they must pay more for it and if the tax is doubled, it will give us some more revenue too. The present rate of duty on salt is but an unjust taxation. A still lower rate of duty for the indigenous and a heavy one for the imported article would have served the purposes equally well.

There is another point to which I request the attention of the House. When the exchange rises, all articles paying duty *ad valorem* are imported cheap into this country.

The Assembly then adjourned for Lunch till a Quarter to Three of the Clock.

The Assembly re-assembled after Lunch at a Quarter to Three of the Clock, Mr. President in the Chair.

**Dr. K. G. Lohokare:** Sir, at the point when exchange rises or falls the imports become either cheaper or dearer for the importer, and the same effect is produced on the exports, at least in the short period when the exchange is fluctuating. It is therefore an unearned increment that the importer gets and the customs returns are less on those articles which are charged *ad valorem* duty. Under such circumstances the exporters—that is, the poor peasants in the case of India—lose, while the importers gain. I should suggest therefore that at a point when the exchange rises the *ad valorem* duty may be so adjusted and collected as to tax the unearned increment of the importer and some relief be given out of the proceeds to the exporter—the poor tax-payer. That would be a fairer way of collecting customs on the *ad valorem* basis.

With these few words, Sir, I conclude my remarks on the Finance Bill and, as I said at the beginning of my speech, it is yet a question to me whether I should oppose it or support it since it contains both elements, one an element of good, the other an element which contributes to the demands of a heavy expenditure in the administration.

(Sir Darcy Lindsay and others moved that the question be put.)

**Mr. B. Das:** Sir, the House is considering the Finance Bill but we are really playing "Hamlet" without Hamlet being present. In the history of the newly constituted Assembly this is the first occasion when the Member who represents the Indian Merchants' Chamber of Bombay is absent from this House. We know Sir Purshotamdas is absent because he is sitting on an important Commission. (*An Honourable Member:* "An impotent Commission?") Well, let us hope, their deliberations will not be impotent. The Indian mercantile community has no representative on the floor of the House and their opinions are not heard. I will therefore take this opportunity to bring to the notice of the Members of this House the opinion of the Bombay Indian Merchants' Chamber that was forwarded to the Finance Department. Sir, their opinion on the Budget and the Finance Bill is as follows:

"Chamber while welcoming the final removal of the odious excise duty regret that claims of Bombay in the matter of relief from provincial contributions have been once more ignored in spite of Bombay's heavy deficit Budget while special relief has been continued to Bengal. They also consider it misleading to use 18 pence rate of exchange for the figure of Public Debt because it shows the burden of our foreign debt at a much lower figure than was shown in the similar estimates last year, while the burden in terms of gold remains absolutely the same. They further regret that even 4 years after the Report of the Inchcape Committee it has not been found possible to bring down military expenditure to the figure of 50 crores suggested by the Inchcape Committee and urge substantial reduction in military expenditure during the current year. The Committee also regret Government's attitude in the matter of reduction of postage charges and consider the illustration by means of index numbers given in paragraph 65 entirely misleading because according to the figures given therein India should be overwhelmed with imports and be unable to export whereas the reverse is notoriously the case, so that India's price level must be below world level . . . "

**The Honourable Sir Basil Blackett:** I hope the Honourable Member will take this opportunity of explaining that. I have wondered, ever since I saw it, what on earth it means.

**Mr. B. Das:** I will, Sir, presently.

"The Committee strongly urge separation of accounts of Postal Department from those of the Telephone and Telegraph Departments when a reduction will appear fully justified by the earnings of the Department at least in the matter of 3-pie postcards. They further urge consideration at the earliest possible opportunity of total abolition of Company Super-tax which impose a heavy odious double form of income-tax."

Sir, this is the considered view of the Indian Merchants' Chamber, and as a member of the Committee of that Chamber I have great pleasure in bringing to the notice of this House the substance of their telegram. The Honourable the Finance Member would like me to go into the details of this telegram . . . . .

**The Honourable Sir Basil Blackett:** I should like an explanation of what the Bombay Indian Merchants' Chamber means in regard to the index number. I have quite failed to follow its reasoning.

**Mr. B. Das:** Sir, I regret I was not present on the day the Committee drafted that; I was present here; and I have not gone into the details on that point; but I assure the Honourable the Finance Member the Indian Merchants' Chamber will forward to him in detail an explanation on the point he has raised. But if I cannot explain that particular point the other points raised in this telegram are quite clear and I hope the Finance Member will take the opportunity when answering to say that he is taking some steps to meet the demands of the Indian mercantile community.

Sir, the tariff policy of our Government has double purposes. Its purpose is protective, and at the same time taxation is levied for revenue purposes. We find that those tariffs which are levied for protective purposes are giving Government a very large amount of surplus, such as the specific duty on sugar, the protective duty on iron and steel, the protective duty on the paper industry, etc. But is it necessary that whatever surplus may accrue to the Government from tariffs levied for protective purposes should be spent by them on non-productive heads and not be set aside for productive work, for encouraging the development of industries, for nation-building departments, and so on? I think whenever taxes are levied for protective purposes, whatever surplus accrues under those heads should be set apart to improve productive work, to improve the condition of the people and specially to develop industries.

**Mr. N. M. Joshi** (Nominated Labour Interests): To improve the conditions of labour?

**Mr. B. Das:** As well; when industry prospers labour also prospers; Mr. Joshi knows that very well.

**Mr. N. M. Joshi:** Hand over the surplus of the protective duties to labour!

**Mr. B. Das:** Sir, the other day we had some discussion on the head of Income-tax and Super-tax; and just now I again drew the attention of the House to the fact that the Super-tax hangs heavily over the heads of our struggling industrial concerns. I also drew the attention of the House the other day to the fact that small Indian companies are heavily assessed under the head of Income-tax. But to-day I want to draw the attention of the House to one particular point. It is the inequitable way of distribution of income-tax between the Central Government and the Provincial

Governments. Sir, I am referring particularly to my province of Bihar and Orissa. Bihar and Orissa received very unfair treatment at the hands of the Central Government when it was separated from Bengal in 1912; and although at the time when the Financial Relations Committee sat my province brought it to the notice of the Government, no action was taken. Sir, the Meston Committee just noted this fact in paragraph 18 of page 8 of their Report. They said:

"In Bihar and Orissa the Local Government is one of the poorest in India, and very special skill will be required in developing its resources. Heavy initial expenditure lies in front of what is still a new province; and there is a wholly abnormal want of elasticity about its revenues."

I will now refer to the letter which the Government of Bihar and Orissa sent to the Government of India at the time. They complained in that letter that:

"The development of Bihar and Orissa was hampered in the past by its attachment to Bengal. That province not unnaturally devoted a large part of its limited resources to development in and near the capital city of Calcutta, while its distant adjuncts in Bihar and Orissa were neglected. When this province was separated in 1912, the provincial expenditure was estimated for the first year of its existence at rupees 284 lakhs, or 8 lakhs per million of population, as against 13 lakhs per million in Bengal."

Well, Sir, it is the greatest injustice that was done to the province of Bihar and Orissa, when it was separated from Bengal, that while the people of Bengal were allocated 13 lakhs per million of people for its expenditure, the people of Bihar and Orissa were only allocated 8 lakhs. In paragraph 4 of their letter, they further suggested:

"Bihar and Orissa stands upon a different footing from the other provinces in that it has never received a quasi-permanent financial settlement and has not yet been fully equipped with the adjuncts of a self-contained province. When the province was constituted in 1912, it was recognised that as soon as the administration was in full working order, the revenues assigned would be insufficient and it was intended, if the war had not supervened, to revise the financial settlement after five years and provide resources adequate for its maintenance and development."

**Diwan Bahadur T. Rangachariar:** I thought you had a surplus now.

**Mr. B. Das:** I may remind my honourable friend Mr. Rangachariar that that surplus comes out of the heavy taxation on excise—2 crores of rupees—which is 40 per cent. of the revenue of the Government of Bihar and Orissa; and the Government of Bihar and Orissa levy this unduly heavy excise duty on the people of Bihar and Orissa because they did not get a proper share in the revenue of the province when the province was separated from Bengal. Sir, in that letter the Government of Bihar and Orissa laid claim to certain contribution from the Central Government for the establishment of the Patna University. That claim represents fifty lakhs and they have not got it yet. They further mentioned "The Pilgrims Committee of the Government of India reported that it would cost Rs. 20 lakhs to put Puri—which is in my own sub-province Orissa—into a sanitary condition." But though eight years have passed nothing has been done yet to Puri, and different Finance Members, ensconced here on the Treasury Benches, have forgotten their obligations to that province.

So, Sir, I claim a readjustment of the income-tax receipts between the Bihar and Orissa Government and the Central Government. At present only three pies on the excess of income-tax that is collected after 1921-22, goes to Bihar and Orissa, and that province gets only Rs. 3 lakhs.

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Of course the Taxation Inquiry Committee was asked to go into the details of this. The Taxation Inquiry Committee says that the basic factor of the adjustment of income-tax should be reconsidered. And they say:

"The whole of the collections on incomes that do not appertain to residents in particular provinces, such as the tax on undistributed dividends of companies or on incomes of persons resident abroad or residents in places outside the boundaries of the provinces to which the allotment was made and the whole of the super-tax would go to the Government of India."

They further recommend that the Government should allocate definitely a certain proportion of the income-tax to the provinces. As my own province has been very badly treated not only now but for the past fifteen years in getting an adequate share of its revenues, the Government should see that the income-tax head should be so adjusted that my province gets its proportionate share so that its level of expenditure is raised at least to the same 13 lakhs per million of people as it was at the time of its separation from Bengal.

Another thing, Sir. All the industrial companies that work in Bihar and Orissa have their head offices in Calcutta and Bombay; and unfortunately the income-tax is collected in Calcutta and Bombay and no share of that income-tax accrues to my province. I hope the Finance Member will kindly see to it that my province gets a proportionate share of income on the capital invested in my province and for which those companies receive concessions, such as mineral rights, land and other concessions, from my Government.

Sir, the prosperity of a country is judged on three facilities provided for the trade, commerce and industry of that country by provision of banking, shipping and insurance facilities for the country. If we think of banking in our country, we know what the Imperial Bank is! My Bill on the Imperial Bank was before the House but it has now no chance of being discussed. I wish we had discussed the Bill which I brought before the House, so that that discussion would have been before the Royal Commission on Currency and they would have taken note, before they decide to transfer hundreds of crores of currency into the hands of the Imperial Bank, that the Imperial Bank must be made the State Bank of India. Of course my friend Pandit Madan Mohan Malaviya has brought out that point very prominently in his very able note of dissent on the External Capital Committee's Report; and the Honourable Sir Basil Blackett, while delivering a lecture early this year at a public meeting in Delhi, commended very much and with great appreciation this very note of dissent of Pandit Madan Mohan Malaviya. Sir, Indian industries cannot prosper unless we get a State Bank in India. Unfortunately five years ago under the Imperial Bank Act, the three Presidency Banks were merged into the Imperial Bank, and all the money of the Government of India to the tune of Rs. 500 crores are handled by the Imperial Bank of India. It does not pay any interest to the people of India or to the Government of India for handling this huge sum of money. It functions, in that respect apparently, as a State Bank. Yet the Bank is managed not as a State Bank, but as a commercial concern, just as any private limited bank is managed. They do not take into account the interest and welfare of the people of India, but they are managed by the

vested interests of a few European Directors and European bankers who have been controlling it for the last 20, 30 or 50 years before the Imperial Bank was formed by amalgamation of these very Presidency Banks . . .

**The Honourable Sir Basil Blackett:** It is entirely untrue.

**Mr. B. Das:** That is my view, and that is the view at least of this side of the House. Sir, in my Bill, which I could not discuss on the floor of this House,—I may discuss it in the Simla Session—I have urged three important points. One is that one of the Managing Governors of the Imperial Bank must be an Indian. At present there are two Managing Governors by contract between Secretary of State and the Imperial Bank, but no Indian can at present under the contract be a Managing Governor. Sir, I also know that 50 per cent. . . .

**The Honourable Sir Basil Blackett:** Does the Honourable Member mean that it is in the contract? If so, it is entirely untrue.

**Mr. B. Das:** In the contract it is stated there should be two Managing Governors . . . . .

**The Honourable Sir Basil Blackett:** Does the Honourable Member mean to say that the contract says there should be two Managing Governors out of whom neither shall be an Indian? There is nothing of the sort in the contract?

**Mr. B. Das:** What I mean to say is that by the contract there should be two Managing Governors in the Imperial Bank, but at present there is no Indian Managing Governor in the Imperial Bank, and, as matters stand at present, for years and years to come there will be no Indian Managing Governor in the Imperial Bank. Therefore, we want that this contract should be altered, and it should be so drawn up that there should be at least one Indian Managing Governor of the Imperial Bank. (*An Honourable Member:* "Why not both?") Yes, I would be glad to have both if I can. And there are about 250 or more European officers in the *higher* services, while there are only half a dozen Indian officers in those services. I want at least . . . . .

**The Honourable Sir Basil Blackett:** That is entirely untrue. I am sorry to interrupt the Honourable Member, but his statements are wildly incorrect, and I must interrupt him.

**Mr. B. Das:** I claim that 50 per cent. of Indianisation should take place in the superior services of the Imperial Bank. That is one thing. I also pointed out that in the appointment of staff officers in the Imperial Bank, no Indian is allowed to remain there . . . . .

**The Honourable Sir Basil Blackett:** I challenge the Honourable Member's statements when he says that no Indian is allowed to remain there. These statements are so wildly untrue that I cannot but interrupt the Honourable Member.

**Mr. B. Das:** I know this much that for the recruitment of candidates for staff appointments in the Imperial Bank the rules are so framed that no Indian can be recruited. I have got a copy of the rules and I can present it to the Honourable Member.

**The Honourable Sir Basil Blackett:** That is entirely untrue. I can only say that again.

**Mr. B. Das:** As I said, I have got a copy of the rules, and these rules are so framed that no Indian can legitimately apply for those posts . . .

**Lieutenant-Colonel H. A. J. Gidney** (Nominated: Anglo-Indians): What posts?

**Mr. B. Das:** For posts in the superior services of the Imperial Bank.

**Lieutenant-Colonel H. A. J. Gidney:** Do you mean for posts over Rs. 300?

**Mr. B. Das:** I am coming to that. For those posts in the superior grade, a person should have a European training either in England or Europe or America, but we know there is a caucus among the bankers in England and in Europe. No Indian is allowed training in English banks, and unfortunately our boys, our commerce and banking graduates, and others, who have received similar commercial degrees, cannot expect to get a chance to be recruited in England to the superior grades of the Imperial Bank. For that reason I have laid down that five Indian boys should receive training in the London Branch of the Imperial Bank so that a proportionate share of these superior grade appointments may go to Indians in the Imperial Bank. I do not want to go into the detailed merits of my Bill. I say that before the Imperial Bank gets the chance to control the currency and to hold the Gold Standard Reserve, before it gets the power to transmit money on behalf of the Government of India from India to England and back, the Imperial Bank must function as the State Bank of India. At present it is not so; at present it is not run for the benefit of vested interests. And so I say it should be made the real State Bank so that it may assist the development of industries and exist for the welfare of the people of India.

Sir, in that telegram from the Merchants' Chamber to which I referred, they have taken note of the high rate of exchange, and I have many a time spoken on the floor of this House of how this high rate of exchange has nullified the protective tariff policy of the Government of India, how the industries that are protected do not get any benefit owing to the exchange which has been fixed at 1s. 6d. and which is probably going to continue at that rate for years. Of course, I am not an authority on exchange, but from what I know of the views of the Indian economists and financiers, they think it is due to the manipulated policy of the Government of India that this high rate is maintained.

Sir, I find that the taxation has been maintained at a very high level. Although the Finance Member has brought down the military expenditure to 54 crores, the total military expenditure is not the sum given by the Finance Member. It is much higher. The pensions and other charges under the head military come almost to about 80 crores of rupees . . .

**The Honourable Sir Basil Blackett:** That is another statement which is absolutely without foundation. I should like to know what the Honourable Member means.

**Mr. B. Das:** Sir, some 8 crores are paid as permanent charges, and there are another 7 or 8 crores paid as pensions and other charges. Last year my friend Mr. Jamnadas Mehta on the floor of this House stated that 81 crores is the total expenditure under the head military . . .



**The Honourable Sir Basil Blackett:** I am asking the Honourable Member what he means. Are there military pensions paid which are not shown as military charges? I do not know of any of them, I do not know of their existence.

**Mr. B. Das:** I am ready to agree to your paying the pension charges, but I object to your transferring items from the military expenditure to other departments. This year you have transferred the expenditure on the Military Financial Adviser from the military department to the civil department. You spend money on heads of police, meteorology and survey of India that is really expenditure on military account. There is also the expenditure on telegraph and strategic railway lines which are not maintained for the civil department or civil population; they are maintained solely for your military Government. So, why do you transfer this expenditure to the civil side? There is very heavy expenditure on the Telegraphs. Why do not you separate the Posts from the Telegraphs? Then there will always be a surplus income on the postal side which will go to reduce the postal rates, whether it is on post cards or on envelopes. Unfortunately also the Wireless Telegraph Department exists more to facilitate your military operations, and you go and increase your expenditure even on telephones and telegraphs, wireless telegraphy and so on, and then you ask us to provide that expenditure from the postal revenue. You do not think of the poor tax-payers, you do not think of giving them any remission. We have no power to reduce the taxation, we cannot reduce a single pice of your expenditure. You can increase the military expenditure to 90 crores, but it should be properly shown under the military head. The country ought to know that India really and truly spends so much on account of her military expenditure.

Sir, I do not want to detain the House very much longer, but this year's Budget is a Budget of surprises. There are many surprises. One of the surprises is that surprise of Archæology. We have been asked to set apart 50 lakhs of rupees to unearth the past remains of our ancestors. But, Sir, the policy of taxation is such that it is driving the poor people to the wall, so that even in these days of civilization, the Indian masses are nothing but living skeletons and they exist in very primitive condition of life. What is the use of setting apart such a huge sum for the Department of Archæology? It could have well gone towards the remission of taxation and relief of the poor man's burden. Sir, the poor man wants reduction in post cards. He wants it on salt. He wants it also on the kerosene duty. Last year . . . . .

**The Honourable Sir Basil Blackett:** Don't forget the super-tax.

**Mr. B. Das:** Last year, you reduced the duty on motor petrol and those rich people that enjoy the luxury of motor cars, got a reduction of Rs. 40 lakhs to 50 lakhs. What about the poor man? Nobody thinks of the poor man. The Honourable the Finance Member is concerned only with the capitalists and the big people in the country. He seldom has occasion to think of the poor man.

The other big surprise is the Royal Commission on Agriculture. The other day I alluded to it. I say that the terms of reference are most unsatisfactory and none on this side of the House have appreciated its terms of reference. This morning my friend Mr. Ahmad Ali Khan said that it does not include an inquiry into the heavy assessment that the

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ryot is groaning under. I also drew attention the other day to one of the greatest disadvantages that the poor peasants in this country are suffering from, namely, effects from the non-prevention of the causes of floods. The terms of reference to the Agricultural Commission do not include even that. How can you improve the condition of the poor agriculturist if you do not inquire into the causes which bring suffering to the poor ryots in the countryside? It may be a flash light, an idea, just to capture the approbation of a few zemindars and landlords, but the Agricultural Commission will do no good. What the country wanted was a Royal Commission on Reforms; instead of that, the country has been given a Royal Commission on Agriculture. I hope Government will see that they revise the terms of reference of this Agricultural Commission and include inquiries into these standing grievances of the masses so that it will look into the welfare of those people for whom it is supposed to deliberate. Otherwise, it is a waste of public money to have a Royal Commission on Agriculture.

The other surprise was the Rates Tribunal. Instead of its being a Rates Tribunal, it is going to be a Rates Advisory Committee. I need not talk again on that as the House already knows my views. (*The Honourable Sir Basil Blackett*: "Hear, hear.")

My friend on my right reminds me of the Railways. There are surprises too in that Department. Sir, after a year or two, we shall have to revise the allotment from the railway revenue to the general revenue. Under the present system 7 to 8 crores come to the general revenue. But how long is the Honourable the Finance Member going to capture this sum of money and spend it in his own way? Why should not this money go for the relief of the rates and tariffs? You are doing another thing. Every year you are writing off so many crores from the capital on Railways but these are not credited to the capital account of the tax-payer. They are written off. So many crores every year are written off under the heads of railway annuities, on redemption of liabilities involved in the purchase of Railways and other heads. The total capital shewn on Railways includes only that sum on which the Government of India pay interest, either in India or in England. It does not include capital thus written off. Therefore, whenever there is a surplus revenue, the railway management should so manage it that the surplus revenue should go for the lowering of the tariff rate—the passenger rate and the goods rate. The same thing applies to the postal rates. Sir, the Honourable the Finance Member's duty should be to relieve the poor man's burden. I hope the Honourable the Finance Member will think of the toiling millions of the country and think of reducing their burden of taxation rather than think of the relief of the upper classes. Sir, the Finance Member will never lower the taxation on the poor man unless the Government are made responsible to the country and to the Legislature. Under the present system the Government are not responsible to the Legislature and to the tax-payer, and naturally the Finance Member can go on levying heavier and heavier taxation and spend it in any way he likes. Of course, the other day we had a long discussion on our demand for further reforms. I do not want to allude to it, but I want to make one observation here. The other day the Honourable Mr. S. R. Das, who was present here that day, made certain remarks which must not go uncontradicted on the floor

of this House. Sir, I knew Deshbandhu Chitta Ranjan Das. I also know very well the Honourable Pandit Motilal Nehru. Sir, whatever work they do for the country, they do it with single-minded devotion to the country . . . . .

**Mr. President:** Order, order. How are these matters relevant to the consideration of the Finance Bill? Does the Honourable Member know that he has spoken for more than half an hour?

**Mr. B. Das:** May I conclude in a minute? Let me allude to another surprise. I am very sorry that when my Swarajist friends were absent from this House, when the Honourable Pandit Motilal Nehru was not present in the House, the Honourable the Law Member imputed that it was an electioneering tactics on their part when he and his followers walked out. Sir, I did not walk out with them. They were and are my colleagues; they are my comrades in the Indian National Congress, but I say this, with all the emphasis I can command, that there was no such motive on their part and that nobody can say that it was merely an electioneering tactics on their part. Nobody can see so far ahead. They came to co-operate with this Government. When they saw that there was no chance of co-operation they thought it was futile to remain. That was the burden of the speech of Pandit Motilal Nehru and it ought to have been gallant on the part of the Honourable the Law Member not to have alluded to it on the floor of this House when Pandit Motilal or his lieutenants were not present here to reply. Let me end my speech in appealing to the Home Member that if he wants to see the dawn let him look at the East—at us, and not to the Secretary of State in the West.

(An Honourable Member moved that the question be put.)

**Mr. K. C. Neogy:** Sir, the other day, while we were discussing the constitutional issue, my Honourable friend Sir Hari Singh Gour complained that Government had not helped us to establish conventions that would expand the constitution. My complaint to-day is not that the Government have not helped us in establishing conventions, but that they have broken a very useful convention in its spirit. Sir, the Finance Bill which we are discussing to-day represents a very important convention that was agreed to by the Government in 1921. There was no obligation on the part of Government, either under the Government of India Act or under the rules, to make the money Bill an annual event nor to submit to the vote of this House those items of taxation which were not proposed to be amended for the financial year. Yet, in spite of this circumstance, so far as the salt duty and the postal rates are concerned, the Government, of their own free will, agreed to be controlled by this House, in the exercise of the discretion which the respective Acts relating to those two taxes give them.

**Mr. H. A. Sams** (Director General, Posts and Telegraphs): Postage is not a tax. It is payment for a service.

**Mr. K. C. Neogy:** I will not quarrel about words. However, Sir, the fact remains that neither in regard to the salt duty nor in regard to postal rates are Government required to come up to this Assembly every year in order to be able to fix them. There is ample authority given to Government to regulate the rates under executive orders under the two Acts that govern these two matters. But, as I said, in 1921 they deliberately took

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the step of submitting themselves to the control of this House. Sir, in 1921, when I was a Member of this House, I considered this to be a very great constitutional advance. But what has been our experience? While appearing as if they were prepared to submit themselves to the control of this House, Government immediately went behind the decision of this House when it was against their own wishes. Therefore, I say that although we considered this to be a convention of great importance in 1921, this annual Finance Bill has been reduced to almost a meaningless formality now. His Excellency the Governor General has very often used his powers of certification in regard to items of taxation included in the Finance Bill when they were reduced by the vote of this House. The phraseology of the certification very forcibly reminds me of a similar phraseology used in the instructions that were issued nearly 200 years ago to General James Murray . . . .

**The Honourable Sir Basil Blackett:** I do not wish to interrupt the Honourable Member unnecessarily, but I should like to know what the certification of some Bill has got to do with this Budget, or what is his complaint . . . .

**Mr. K. C. Neogy:** I am pointing out that what might have been a very important convention has been reduced to a mere formality by the exercise, the frequent exercise of the powers of certification.

**The Honourable Sir Basil Blackett:** But what has that got to do with the Finance Bill?

**Mr. K. C. Neogy:** As I was saying, I was reminded by the phraseology of the certification,—“peace, tranquillity or interests of British India”—of a somewhat similar phraseology in the instructions that were issued to General James Murray, Captain-General and Governor in Chief of the Province of Quebec in America in 1760, at the conclusion of the war with the French when Canada passed into the hands of the British. In those instructions the Captain-General was instructed to constitute a Council of nominated officials and non-officials and it was entrusted to them to carry on the administration pending the summoning of a General Assembly of freeholders of the Province of Quebec. Although this Council was given very great powers in regard to administration it was under those instructions laid down that they were in the meantime to make “such rules and regulations by the advice of our said Council as shall appear to be *necessary for the peace, order and good government* of the said Province, taking care that nothing be passed or done that shall in any way tend to affect the life, limb or liberty of the subject or to impose any duties or taxes.” So it was considered essential about 200 years ago, when they were making the first essay at the establishment of civil government in Canada, to exclude from the purview of the nominated Council the power to impose taxes without the consent of the people, even on the plea of “*peace, order and good government*”. And yet, Sir, to-day the power which is seemingly vested in this House of controlling the purse and of levying taxes has been taken away by virtue of the extraordinary powers possessed by the Governor General of certification. I find the Honourable the Finance Member is rather impatient at this part of my observations and I do not therefore propose . . . .

**The Honourable Sir Basil Blackett:** I am impatient because I have not yet understood what the Honourable Member's point of view is. What is his complaint? That we did not certify the salt tax last year or what?

**Mr. K. C. Neogy:** You have done it in the past and there is absolutely no certainty that those extraordinary powers will not be brought into operation now. That is my submission.

**Mr. M. A. Jinnah** (Bombay City : Muhammadan Urban): If we do not agree, you certify.

**Mr. K. C. Neogy:** The Honourable the Finance Member has maintained the level of taxation very high and as this fact has been referred to by previous speakers, I do not propose to offer any detailed criticism under this head. I will, however, point out that two administrative reforms have helped my Honourable friend a good deal in bringing this about and maintaining the high level of taxation. The first is the separation of railway finance from general finance. But for that reform we would have a much larger amount now at our disposal either to be devoted to wiping out the provincial contributions of those provinces which yet suffer under them, or to reduce general taxation. Sir, I shall briefly refer to a few features of our post-war finances of the Railways. First in 1918, as referred to by Sir William Meyer, a £20 million reserve was created for the benefit of the Railways. Sir William Meyer in his evidence before the Acworth Committee stated that this reserve was raided on account of the exigencies of the reverse councils policy. During the War, again, renewals and repairs of the railway rolling stock and permanent way were postponed with the result that the revenues were swelled beyond proportion, and the public were deceived into thinking that the Railways were earning much larger profits than would otherwise have been the case. The Retrenchment Committee have estimated that it would require Rs. 18 crores to overtake those postponed renewals and repairs to railway stock. The third point is that during the war when India was under the necessity of practically selling some of her railway stock for war purposes, instead of constituting the money into a reserve, the money that was obtained on the sale of our stock was credited to the revenues and was spent in the usual way by the Finance Member. The fourth feature is that, in order to overtake those deferred renewals and repairs, the rates and fares had to be increased. I do not say that that was the only reason for the increase of rates and fares, but certainly a portion of the increase of the freights and fares has to be set down to the fact that those deferred renewals had to be overtaken. Therefore we find during the war period the Government, thanks to their policy with regard to Railways, practically sold their assets and allowed their assets to waste away in order to have more money at their disposal to spend on general purposes. Later on, the user of the railway facilities was made to pay for overtaking these arrears of renewals and for replenishing the stock. Now that normal conditions have returned, naturally one would expect that the user of the railway facilities should get the benefit of a substantial reduction in the rates and fares that were put up partly on that account. But thanks to the policy that has been inaugurated just when the Railways returned to normal conditions, we have a very large reserve created. I am not complaining about the depreciation fund at all. This reserve amounts to over 12 crores to-day, and not a pice of this amount is going either to the general exchequer or to a

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further reduction in rates and fares, or to any beneficent scheme of Government activity. On the other hand, we find that the Honourable the Finance Member is paying interest on the reserves that would otherwise be at his disposal. Furthermore, the reserves are not considered ample even though they stand at the high figure of 12 crores.

Sir, the other administrative reform is connected with the Posts and Telegraphs and it arises out of the commercialisation of accounts. Sir, when we talk of commercialisation, we understand that it is commercialisation of the accounts, and not commercialisation of the policy of the Post Offices that we have to consider, because it is merely a change in the form of accounts and nothing more. It is very curious that, when it is nothing more than a mere change in the form of keeping accounts, the tax-payer is asked to surrender about 50 or 60 lakhs of rupees in the shape of interest charges. Sir, I have taken some pains to study the history of this commercialisation. In 1921, when the Finance Department found that the general finances of the country were at a low ebb, they were considering the question of raising such revenue as they could to cover the possible deficits of the future, and one of the items which they chose for taxation was Posts and Telegraphs. They appointed a firm of chartered accountants to advise them with regard to the commercialisation of accounts which was calculated to help them in realising their cherished desire of raising revenues. This body of chartered accountants were undoubtedly very great experts in the field, for I know that the tax-payer of India had not merely to pay their usual fees and their passage to India and back, but also their dentist's bill, their club subscriptions, and the charges for the entertainment of their friends, perhaps of both the sexes. Sir, it is as a result of the activities of these chartered accountants that we have got the new commercialised accounts. The Honourable the Finance Member the other day stated that there was no occasion for raising the point about the interest charge now when, as a matter of fact, this interest charge had been included in the postal accounts since 1921-22. Well, looking up the postal Budget for 1921-22, I find that this postal charge of 60 lakhs of rupees was not provided in the Budget at all. By a mysterious process of what is ordinarily known as financial jugglery, this was included in the revised estimates of that year, so that this House had not had the opportunity either of voting this amount or having its say on this question in 1921. Sir, when we refer to the Finance and Revenue Accounts of the year 1921-22, we find that it is stated that both the Post and Telegraph accounts were under a process of re-construction on a commercial basis and, although the commercialisation had not been completed, it had been decided to charge this interest on the capital calculated—I do not know on what principle—by the Department itself. Sir, the commercialisation has taken effect really from the year 1925-26, and I expect my Honourable friend the Finance Member to say how it is that, before the other aspects of commercialisation were introduced into the accounts of the Postal Department, this particular charge was included in the revised estimates of 1921-22.

**The Honourable Sir Basil Blackett:** The Honourable Member was a Member of this House at that time. I was not here.

**Mr. K. C. Neogy:** Yes; and it is because I was a Member of the House at that time that I have looked up these matters very carefully. I find that the Honourable Sir Malcolm Hailey in his budget

speech, when he presented the Budget for 1922-23, had not a word to say with reference to the revised estimate for 1921-22 in explanation of the appearance of this heavy sum under the interest charges. What he said with reference to the amount of one crore odd, which was included in the Budget of 1921-22 under revenue and was transferred to capital as a result of a vote of this House, was that he was inquiring into this matter and had charged a certain amount of interest on that amount, conveniently forgetting the very large amount of interest which had been included in the revised estimates for that year.

**Mr. H. A. Sams:** May I ask whether the 66 lakhs refer both to the Posts and Telegraphs Departments? Does not the amount include Telegraphs as well?

**Mr. K. C. Neogy:** Yes; I did not seek to separate the two Departments. I will come to that point later. Sir, I think it would require a good deal of explanation from the Honourable the Finance Member to-day if he wants to justify this inclusion of the interest charge without reference to this House in 1921.

**The Honourable Sir Basil Blackett:** It is easy to justify but it is not so easy to make it understood.

**Mr. K. C. Neogy:** I know it is very inconvenient to my Honourable friend to justify this. I want him to tell me specifically how is it that this interest charge was levied on the Postal Department with effect from 1921-22 while the other aspects of commercialisation were not given effect to till 1925-26. Sir, I will give my explanation. In 1921 the Honourable the Finance Member proposed to raise the postal rates and this House turned down those proposals. Later on—this is my suggestion—this expedient was resorted to in order to enable him to get at least a part of the revenue which he had expected from the raising of the postal rates, so that, although this Assembly defeated the Government in the first instance, Sir Malcolm Hailey defeated this Assembly in the end.

**The Honourable Sir Basil Blackett:** I just want to understand the position. Does the Honourable Member claim that this charge should not have been made, that it was not justified?

**Mr. K. C. Neogy:** I mean what I say. I say that this was not submitted to the vote of the House at any time in 1921-22.

**The Honourable Sir Basil Blackett:** I want to know whether the Honourable Member thinks that this is a justifiable charge or not?

**Mr. K. C. Neogy:** It is not for me to answer any question. I want the Honourable Member himself to answer me.

**The Honourable Sir Basil Blackett:** The question has been answered many times before.

**Mr. K. C. Neogy:** I want him to tell me how is it that this item came to be included in the revised estimates for 1921-22, and not in the Budget, without a single word of explanation in the speeches of the then Finance Member, and how is it that this interest charge has been levied with effect from 1921-22, although the other phases of commercialisation were not given effect to before 1925-26.

**The Honourable Sir Basil Blackett:** It would greatly assist me in answering the Honourable Member if he clears up one point. Does he claim that this is not a justifiable charge?

**Mr. K. C. Neogy:** It is not a justifiable charge. And, apart from that I say that you have absolutely no business to impose it from 1921-22, whatever may be your view with regard to the merits of this imposition. Sir, I have already said, that the commercialisation is merely of the accounts, and not of the policy of the Government of India, and therefore we refuse to accept any departure in the policy hitherto followed in regard to the Post and Telegraph Department. If I have studied this subject correctly, I think the policy of the Government of India in regard to the postal branch at least, has been to see that the volume of correspondence is not checked and that the rates do not act oppressively on the poorer classes. These, I venture to say, are the two principles that determined the policy of the Government in the past in regard to the Postal Department. I was agreeably surprised to find that exactly a similar policy obtains in the United States of America. In the United States of America from 1837 to 1922 the Post Office has shown a surplus in fifteen different years, and a deficit in each of the remaining sixty-one years. The variations in the balance from surplus to deficit during the nineteenth century and the variations in the amount of deficit reflect the general policy of the Government of the United States of America, and that policy is described as one which operates the Post Office on a service basis with primary regard to the general well-being rather than to the purely financial results obtained from such an enterprise. It is a curious fact, which may have some bearing on this question, that while the Post Office is run as a State department by the Government of the United States of America, the telegraphs and telephones are run as private enterprises. I maintain, Sir, that during the past half century or more, a similar policy was observed in India with regard to the Postal Department . . . . .

(At this stage Mr. President vacated the Chair which was taken by Mr. Deputy President, Diwan Bahadur T. Rangachariar.)

. . . . . and we cannot lightly allow Government to make a departure from that policy to-day.

Then I come to the question if the Post Office is to be separated from the Telegraphs for the purpose of judging whether the Department is making any profit. I know the Honourable the Finance Member holds very strong views on this matter, but I do not know whether he has cared to study what has been the policy even in the recent past in this matter. I do not know whether he attaches any value to the opinion of his immediate predecessor, Sir Malcolm Hailey. If he does, I will read out an extract from the speech delivered by Sir Malcolm Hailey on the 22nd March, 1922, in this Chamber:

“ My contention is, that as we are losing 170 lakhs on our Postal Department, we ought to make up that 170 lakhs, quite irrespective of the fact that we are making at the same time a small gain from the Telegraph Department, or the Opium Department or any other Department of the Government of India. . . But the mere fact that you can bring them under one man does not mean that one Department should pay for the losses of the other.”

I should like to have the opinion of the Finance Member on this very strong pronouncement of his predecessor in office. The principle seems to be that if it is to the advantage of the Post Office to be treated separately



from the Telegraph Department, it must not be so treated, but if it is to the advantage of the Telegraph Department to be treated separately from the Post Office then it must be so treated. On that occasion when Sir Malcolm Hailey made the speech quoted by me, he imagined that it was the Post Office that was working at a loss (which was not a fact) and that it was the Telegraph Department that was showing a profit. The policy of Government has all along been to favour the Telegraph Department at the cost of the Post Office, and it has been a policy of "Heads I win, tails you lose" with Government. I strongly suspect that in the allocation of revenue and expenditure as between the Post and Telegraph sides, the Telegraph Department has been dealt with unduly lightly. Sir, reference has been made by my Honourable friend, Mr. Rama Aiyangar, on another occasion to the very large contribution made by the Postal Department to the Provincial Governments under the head of "Civil Stamps"; and I know what the Government case is with regard to that question, and that these allocations and these commercial accounts have obtained the approval of the Auditor General. But I say that it is not enough that the Auditor General should be satisfied with your system of accounts and with the principle of allocation of revenue and expenditure. It is also necessary that this House should be satisfied that you are not giving extra credit to the Telegraph Department for any work for which the Postal Department is entitled to get credit. I suggest the Government should seriously consider whether it is not desirable to appoint a committee of this House to examine this new system of accounting and be satisfied that the Postal Department is not being made to sacrifice its revenue for the benefit of the Telegraph Department. Sir, I have little more to say on this point, and I hope that the Honourable the Finance Member will accede to this request of mine and not expect this House blindly to take his word that everything is well with the postal accounts.

Sir, I will next refer to a point which does not arise out of any item included in the present Finance Bill. I began by saying that the Honourable the Finance Member has been keeping up the high level of taxation, and I am going to point to an item which does not find a place in the Taxation Bill and which was imposed as a war measure. I refer to the high export duty on jute. This was imposed in 1916 as a war measure and the duties were doubled in 1917, absolutely doubled, on the justification that Government had to find money for the £100 million contribution for the war. This is what Sir William Meyer said on that occasion:

"We propose to make, on behalf of India, a special contribution to the Home Government for the cost of the war which, in one way or another, will run eventually to £100 million. That requires us to undertake, with effect from 1917-18, an annual charge of about £6 million. . . . In order to meet this liability we have thus to raise more than £3 million in additional taxation."

Then he goes on to describe the various items of taxation that have to be imposed.

"Having regard to India's monopolist position in respect of jute production, which enables taxation to be normally passed on to the consumer, we propose to double the rates above mentioned and thus to obtain an additional revenue of £500,000."

That was in 1917. I believe that there is no outstanding debt with regard to that £100 million sterling war debt. But during these few years more than 84½ crores (if you include the present budget figures) have been raised from this source. The Honourable Sir William Meyer was very positive that as jute was a monopoly of India, it would not hurt the producers to any extent

[Mr. K. C. Neogy.]

if export duties were raised. We find, however, that the Fiscal Commission, who considered these questions, have observed in their Report that :

"it was only in the case of an absolute monopoly for which the demand is stable can it be asserted generally that the world price will be raised by the full amount of the export duty, and that therefore the whole export duty will be paid by the foreign consumer and none of it by the home producer. An absolute monopoly however for which there is a stable demand is of rare occurrence; and it may, therefore, be taken as a general rule that some portion, if not the whole, of an export duty falls on the home producer."

If this opinion of the Fiscal Commission is correct, then I maintain that you have been taxing the people of Bengal in order to get this huge revenue from the customs duty on jute. And what does the Government of Bengal get in return? The Government of Bengal's provincial contribution which has been suspended amounts to a few lakhs, whereas the duty that the Government of India receive annually from this source amounts to not less than 3 crores on an average. You expect the Government of Bengal to help the production of jute with the assistance of its Agricultural Department, but not a pie is contributed by the Central Government to help the Government of Bengal in undertaking this task. (*An Honourable Member*: "63 lakhs!") When you make a net gain of 3 crores and odd annually! If that is the standard of justice of the Honourable Member from Madras, I will have nothing to say. The export duty falls on the producer. The Fiscal Commission says so. (*An Honourable Member*: "Will you read again what the Fiscal Commission says?") I dare say my Honourable friends, if they take any interest in this subject, have read the reports occasionally appearing in the newspapers as to what efforts are being made in other parts of the world to find a substitute for jute. How do you know that by the policy of a high export duty on jute, you are not driving the consumers abroad to finding a substitute for jute, that will ultimately be the ruin of Bengal agriculturists and will deprive you of this revenue? As this item does not appear in the present Finance Bill, I do not want to say anything more. I trust that when the Finance Bill comes up next year, this item will be carefully looked into, and adequate adjustments will be made not only under this head but also under some other heads of taxation—in favour of Bengal.

(Several Honourable Members moved that the question be put).

**Mr. Deputy President:** The question is that the question be now put.

The Assembly divided :

AYES—8.

Ajab Khan, Captain.  
Dalal, Sardar B. A.  
Joshi, Mr. N. M.  
Lindsay, Sir Darcy.

Muhammad Ismail, Khan Bahadur Saiyid.  
Roffey, Mr. E. S.  
Stanyon, Colonel Sir Henry.  
Willson, Mr. W. S. J.

NOES—14.

Abul Kasem, Maulvi.  
Aiyangar, Mr. K. Rama.  
Akram Hussain, Prince A. M. M.  
Das, Mr. B.  
Ghazanfar Ali Khan, Raja.  
Gidney, Lieut.-Col. H. A. J.  
Gour, Sir Hari Singh.

Hussanally, Khan Bahadur W. M.  
Kasturbhai Lalbhai, Mr.  
Lohokare, Dr. K. G.  
Mahmood Schamnad Sahib Bahadur, Mr.  
Neogy, Mr. K. C.  
Pal, Mr. Bipin Chandra.  
Yakub, Maulvi Muhammad.

The motion was negatived.

**Maulvi Muhammad Yakub** (Rohilkund and Kumaon Divisions: Muhammadan Rural): Sir, I do not want to make a long speech at

4 P.M.

this late hour of the day when Members are really tired, but there is one thing very important, in my view, about which I want to make a few observations. My chief complaint is the same as the complaint of Dr. Macphail, that is, about the miserly and stingy policy of the Government of India towards educational institutions under the direct charge of the Government of India. In this connection I beg to say that I really feel very disappointed and indignant at the niggardly way in which the educational institutions directly under the Government of India, like the Benares Hindu, the Aligarh Muslim and the Delhi Universities have been treated in a year of a surplus Budget, and I cannot thank, even formally, the Government of India's Department of Education or the Honourable the Finance Member for the undignified grants which they have given to these Universities. Now, Sir, the all-India character of the Aligarh University is shown by the fact that this institution attracts students not from any one province only, but from all parts of India, and not only from Muslim communities, but from Hindus and other communities as well. So far as Muslims are concerned, we get students not only from India but also from other places outside the country, for instance from Ceylon, Persia and Muscat. The total number of students now, including the Intermediate College and the School, is 2,736. In 1925, there were 181 regular Hindu and 2 Christian students, and since then their number has been increasing. Last year the number of Hindu students who took part in the examinations of the University was 369. Then, Sir, we have a Chair of Sanskrit in the University and we claim distinguished personages like K. Jagdish Pershad, Secretary to the Government of the United Provinces, and the late Dr. Satish Chandra Bannerjee, and Raja Mahindra Partap Singh, amongst the alumni of the Aligarh College. Thus, while it is true that the main object of the Muslim University is to provide for Muslim education it is at the same time serving the educational cause of the country as a whole. It is not only since the passing of the University Act, that it has acquired this status of an all-India institution. It has enjoyed that now for over 50 years—a distinction which no other institution in India can claim.

I do not want to detain the House very long. As regards the urgent needs of the Muslim University, Aligarh, I will only point out that our urgent needs, at present, are as follows: For the increase of the staff we require a sum of Rs. 72,000; for Fellowships we require a sum of Rs. 30,000; for the recurring expenditure on the library we need Rs. 6,000, for the library building we require a sum of Rs. 1,00,000 and for books Rs. 2,00,000. For a School of Technology for recurring expenditure we require Rs. 15,000 and for non-recurring expenditure 5 lakhs. For laboratories we require a recurring expenditure of Rs. 12,000 and a non-recurring sum of 3 lakhs. For the University boarding houses, for 600 students, we require a non-recurring sum of Rs. 3,50,000. At present our hostels and boarding houses are altogether too congested and there is not room for a single student. In fact, we have hired many bungalows outside the University compound. Then for a model school, boarding house and staff quarters we require 2 lakhs. For buildings for the Training College and boarding house and staff quarters we require 2 lakhs. Then for a Museum we require, of course under different heads, Rs. 6,000 as recurring expenditure and 2 lakhs as non-recurring. Then for the expansion of the hospital we require Rs. 50,000 and for the gymnasium Rs. 25,000. For quarters for the

[Maulvi Muhammad Yakub.]

University teaching, ministerial and menial staff we want 1 lakh and for building of an Intermediate College we want 1 lakh; for Mosques for the Intermediate college and school Rs. 35,000; for Senate Hall 3 lakhs; for the building for the Union Club Rs. 50,000, and for a University Press we require Rs. 25,000. The present income of the Muslim University is about 5 lakhs a year, and the expenditure according to this year's budget is about 5 lakhs and 53 thousand. Now, Sir, these are our immediate and essential needs which I have briefly put before you. And as regards the other two Universities, I am bound to say also a few words. The Benares and the Delhi Universities have also got equally strong claims on the Government. I know how very anxious my Honourable friend Pandit Madan Mohan Malaviya was to advocate the cause of the Benares Hindu University. He was really sorry he could not get an opportunity of doing so at an earlier stage; and I am sorry that he is absent this afternoon on account of important work in connection with the Hindu Maha Sabha. But let me point out that he has already circulated a financial statement of his University which shows that the Benares Hindu University is under a debt of about 22 lakhs of rupees, if I am right, and the financial position of the Hindu University therefore is also in urgent need of the attention of the Government of India. About the Delhi University I need not say anything; I must leave it in the hands of a more eloquent and strong advocate of that University, the Vice-Chancellor, Sir Hari Singh Gour.

In conclusion I must assert that this attitude of the Government of India towards educational institutions of all-India status is a clear indication of the Government's apathy towards our national aspirations. There is no country in the world where the State spends so little on the education of the people. It is not too much to hope that the Government will soon see their way to raise the recurring and non-recurring grants of these Universities to a sum which may be consonant both with the requirements of the institutions themselves as well as with the dignity of the Imperial Government.

With these remarks, Sir, I will close my observations.

**Lieutenant-Colonel H. A. J. Gidney** (Nominated: Anglo-Indians): Sir the reason why I am taking part in this debate at such a late hour is in response to the two speeches I have just heard from my Honourable friends Dr. Lohokare and Mr. Das. Sir, I hold no brief for the Finance Member but I was truly astounded when I heard what Mr. Das had to say regarding Indianisation of the Imperial Bank. Sir, I have been at considerable pains to ascertain the exact position in this institution, so far as Indianisation is concerned, and it might surprise this House when I give it the other side of the picture in which special schemes have been inaugurated by the Bank Governors for the training of Indians in this Bank. So pro-Indian are these schemes that the Managing Governor of the Bank himself was ignorant of the fact that Anglo-Indians, as statutory natives of India, were included for employment as Indians, and therefore they had been till quite recently precluded from recruitment in this scheme. Now, Sir, I know that there are to-day in this Bank over 300 Indians in the superior service or being trained as apprentices for employment in the superior services, and for Mr. Das to make such a wild statement as he has just done puts me in mind of that old saying: "a little knowledge is a dangerous thing".

**Mr. B. Das:** Sir, on a point of order, I strongly object to this. I say that there are not 50 per cent. of Indians in the superior service of the Imperial

Bank, nor are they recruited in that fashion. The statement that was issued about six months ago by the Indian Merchants' Chamber of Bombay showed the proportion of Indians to be very small and that Indians would not be recruited into the superior service of the Bank because they were not trained in England and other places. You are referring to the subordinate cadre recruited in India (something like the Government provincial services).

**Lieutenant-Colonel H. A. J. Gidney:** I am not talking of that; I am referring to that department or scheme in which Indians are being trained for superior appointments. There is a special scheme for the training of Indians for entertainment in the superior branch of the Imperial Bank and there are to-day over 300 Indians in that cadre.

**Mr. Deputy President** (to Mr. B. Das, who rose again): Order, order. It is not a matter of explanation.

**Lieutenant-Colonel H. A. J. Gidney:** Sir, as I said, a little knowledge is a dangerous thing, but it was the Irishman who said that no knowledge is crass ignorance. Mr. Das has really brought to the notice of this House a condition that does not exist at all except in his own imagination. Now, Sir, I take this opportunity of asking the Finance Member if he will say on the floor of this House whether it has or has not hitherto been the policy of the Imperial Bank to exclude Anglo-Indians from this Indianisation scheme. I ask the Honourable the Finance Member if he will be so kind as to give me a definite answer on this point. Dr. Lohokare, as also Mr. Neogy, accused the Finance Member of the wisdom and justice of the salt tax. I think it was once called by Sir Campbell Rhodes, a late Member of this House, not the "Sodium chloride" but the "Odium chloride" tax. Now, Sir, I approve wholeheartedly of the salt tax, and I think the position could be summed up in a few lines of verse which I have transposed from the Holy Scriptures, that part which speaks of the salt having lost its savour. I would put it in this way:

"Ye are the Members of the Assembly,  
But, if the Budget hath a deficit,  
Wherewith shall it be balanced,  
Unless it be salted?"

I am disposed to apply these lines to the need and justice of a salt tax and its continuance in this year's Budget.

I am presenting a bouquet of nice-scented roses to the Finance Member without any thorns. I think that the greatest thing, among his many other good deeds, His Excellency Lord Reading has done for this country is to have given India Sir Basil Blackett as its Finance Member. I look upon him as the saviour of India's finances, and I am sure that our future generations will appreciate and pluck the fruit from the carefully selected trees which Sir Basil Blackett has planted in the garden of India's economic welfare. (Applause.)

Now, Sir, there are certain other points I wish to raise in this House which concerns my Honourable friend Mr. Burdon, in particular. Various Members have suggested extravagance in the military Budget and asked for further economies. We have heard our military expert, His Excellency the Commander-in-Chief, as a soldier born, very correctly say that he cannot reduce it any further at present. I am not in a position, nor do I desire to put myself in opposition to such expert knowledge, but we have heard the same statement made in the House of Commons by the Secretary of

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State for War regarding the military estimates of the British Army. The same has also been said of the British Navy estimates. But to-day what do we read in the Press? There are considerable reductions in both those two estimates and so, Sir, I feel emboldened to suggest to this House a means by which economy can be effected without a reduction in efficiency. In previous years I have stressed economy in the Military Medical Budget. I have before me certain figures which I am sure will astound this House. There is a department known as the Royal Army Medical Corps. Its total cadre is about 280, and it will surprise this House when I tell it that nearly one-half of that cadre consists of officers of the rank of Major. There are besides 8 Colonels and 3 Generals, but there are only 9 Lieutenants. Now compare this with the I. M. S. which has a total cadre of nearly 800. It has but 189 Majors as opposed to 130 in the R. A. M. C. It has 95 Lieutenants and 275 Captains. Now, Sir, I ask the Honourable Member to explain this condition. I have no doubt he will be ready with an answer to satisfy the House—as he always does—but I would like to know why the British Army has this large number of Majors drawing a high rate of salary performing duties that should be performed by junior officers of the rank of Lieutenants and Captains.

**Mr. E. Burdon:** May I give the answer to that now. The reason is that there is no recruitment for the R. A. M. C. at present because it is said that the rates of pay are inadequate and consequently we can get no junior officers; and, so in order to get junior officers, extra expenditure would be entailed.

**Lieutenant-Colonel H. A. J. Gidney:** I thought the Honourable Member would say that, I thank him, but I am not satisfied. But there is a remedy to this extraordinary condition and it is this. Remember the Indian tax-payer is called upon to pay a large sum of money for this employment of senior medical men obviously doing the work of junior officers in face of the fact that you have an army of trained medical men here—the I. M. D. who could be safely employed for this work, especially those possessing British qualifications. I say, Sir, it is unjust to ask the Indian tax-payer to pay such enormous salaries to these senior officers. The remedy is to utilize that splendid body of men whom we have got here, the I. M. D. Do not use them as you are doing to-day in British Station Hospitals, as glorified compounders and clerks. That is the remedy I would suggest, or return your Majors to England and in their place bring out a sufficient number of Captains and Lieutenants. I have no doubt that this will not appeal to the Army Department because it is said that the British Army comes to this country on certain terms, one of which is that it must have its own white British medical men. Failing this, Sir, I submit the maintenance of the I. M. D. is an absolute farce, and the expenditure of all this large sum of money on the employment of 130 Majors who form almost half the total cadre of the R. A. M. C. is also a wanton waste of the Indian tax-payers' money. With all respect I urge the Honourable Member seriously to consider this means of economy in which retrenchment can be safely effected without affecting the efficiency of the Corps.

Now Sir, we come to another branch of the Medical Department and one upon which also I have previously spoken. I refer to that body of really noble women known as the Queen Alexandra's Military Nursing Service in

India. Sir, it will surprise this House when I tell them that nurses recruited for this Service in England, temporary nurses, to fill vacancies here, are paid at a rate of pay which is more than what a subaltern gets and even more than the initial pay of an I. C. S. officer. It will surprise them to be told that a young nurse, a girl of about 22 years of age, who comes out to this country gets Rs. 250 a month. She receives an allowance of £25 for uniform; she is given a first class passage to India and back on a year's contract of service; she is given free quarters, and in some cases free servants; she has free lights and many other things free, bringing her salary up to nearly Rs. 500 a month, which the Indian tax-payer is called upon to pay. On the other hand we have in India, at our very doors, a wonderful body of domiciled European and Anglo-Indian nurses trained by the best men in this country, well qualified for this work, but who for want of it are now swelling the ranks of the unemployed or driven to typing and other inferior work. I say here there is another avenue in which economy could be safely effected. It is all very well to say that the British soldier must have his white nurse imported from England—a privilege even denied to British babies. There was a time, Sir, when the Army gladly took these nurses. Their services were utilised during the Great War and you were glad to have them then. To-day if you had another war you would again want them, but after such treatment would they come as before? I do urge the Army authorities to utilise this body of qualified women and so economise and reduce the military Budget.

Sir, there are other matters which I must present before the Military Member, and which I am sure he will answer just as well as he did the last one. One of these refers to pensions. The I. M. D. is a body of men of which the Anglo-Indian community is justly very proud. They have performed services to the Empire and British Army which none can deny. They are undeniably an inseparable part of the British Army. I challenge contradiction of this. They have served with the British Army and added lustre to the records in all theatres of the last War. This Department is therefore entitled to equal rights and privileges which are given to departmental and warrant officers of other departments, but these are denied them. Recently new pension rates have been sanctioned for warrant and departmental officers of other departments. The only exception made in this is the I. M. D. which has been left out. I ask, why? Is it because they are recruited in this country? Does this alter the fact that they are an all-India service under the control of the Secretary of State and that they are an inseparable part of the British Army. That they are one of the Departments of the British Army and that their salaries are non-votable, why should they be treated with such conspicuous difference? I believe this matter is to-day receiving the serious consideration of the Military and Finance Departments, and I mention it in the hope that a decision will be expedited and that there will be no difference whatever in the scales of pensions between the I. M. D. and the India Unattached Lists, and that, when sanctioned, it will have equal retrospective effect.

Another point, Sir, is this. The I. M. D. is given a certain percentage of commissions—I believe 10 per cent. of its cadre. Since August 1922, not a single commission has been given to this Service. I am told that the delay is due to a difference of opinion between the Medical and Army Departments, but I ask the Honourable Member, is it fair to these men, many of whom are on the eve of retirement, others who have retired and



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who have been deprived of promotion with its enhanced pension pay, also others who have waited many years for their commissions and are considerable financial losers? I understand the difference of opinion hinges on the supernumerary commissions hitherto given to those I. M. D. members in civil employ. Now, Sir, these men enlisted in the I. M. D. with certain prospects, with certain vested interests; they came into the service with certain ambitions in life—commissions being one of the chief. For the Army Department to close promotion to the commissioned ranks to them for the last four years simply because departments differ in opinion and cannot make up their minds and the Inchcape axe has reduced its cadre is, I consider, most unfair to this splendid body of public men. I believe the matter is now before the Army authorities and is receiving their attention, but I do plead with the Honourable Mr. Burdon who, I know, is a friend of the Department to expedite the settlement of this really serious hardship and grievance which is especially felt by the senior members of the service. Now, Sir, there is yet another matter which has created an invidious distinction between the I. M. D. and the officers of the India Unattached List.

(At this stage the Chair was resumed by Mr. President.)

Now, Sir, I have before me an order issued by the Quartermaster General with the approval of the Secretary of State for India which sanctions the allotment of Rs. 50,000 for giving free passages to warrant and departmental officers, who are of non-Asiatic domicile, which allowance, I believe, is to take the place of indulgence passages to England which will cease. Now, Sir, over 90 per cent. of I. M. D. men are members of the Anglo-Indian and domiciled European community; they are of Asiatic domicile and so they are statutory natives of India. They however belong to a service which is acceptable to the British Army of which it forms an integral part, and to deny them this privilege of going to England simply because of their domicile is, I consider, a serious and unmerited grievance and hardship.

There are other matters which should be brought to the notice of the Army Department. One of them is the refusal to give a daily allowance to Indian Medical Department officers when they are travelling on duty away from headquarters. Other matters of minor importance are with reference to the duty rooms attached to British Station Hospitals where I. M. D. officers are expected to rest. In some of these there is not even a washstand provided for them to wash their hands, a military bed and chair forming the only furniture on a bare floor. This is surely not a proper way to treat a respectable body of qualified medical men. I submit, Sir, it is these little things that go a long way to create unhappiness and discontent among subordinate departments—the I. M. D. which, I am glad to say, is still the preserve of the Anglo-Indian community. There are also other matters which I should like to bring to the notice of this House. I. M. D. officers are sometimes provided with dilapidated and dangerous bungalows to live in, when free military quarters are not available for them. This should be remedied.

There is another important matter, Sir, on which I seek information. I refer to the position as a whole of the I. M. D. in India. I understand—I speak subject to correction by the Honourable Member in charge, who I know is always ready to do what he can for my community, for which I take this public opportunity to thank him—when the Inchcape



axe fell on this service, nearly 100 men were thrown out of employment. Most of these men were married with families, a fact to which the Incheape Committee were oblivious. They were expected to earn a living from a community that was inherently impoverished and poor; they were thrown into a country where even the British qualified doctors find it difficult to earn a living wage. These men were discharged with certain meagre pensions, and some were given inadequate compensation. I spoke on this matter, Sir, about two years ago when I cautioned Government of this excessive and ruthless retrenchment. I understand that to-day—and here I again speak subject to correction—that the civil side of the Medical Department in India is crying out for I. M. D. men for civil employment, but the military side have retrenched these men to such a fine point that they cannot spare even a single man for the civil side. Sir, these men joined the I. M. D. with certain attractions and vested interests, the same as did the I. M. S. men. They understood they would receive a certain number of civil appointments. The Incheape Committee I now see have retrenched the I. M. D. to such an extent that there is not one man to spare for these civil appointments. I ask the Honourable Member in charge of this Department whether he will now favourably consider applications for re-employment from men who came under the Incheape retrenchment? I mean those men whom the Department consider as suitable for re-employment. I think it is the obvious duty of Government to protect the vested interests of these men as is indicated in paragraph 346 of the Montagu-Chelmsford Report, especially with regard to the exclusion of I. M. D. from civil medical employment in the Punjab and the United Provinces and where the Government of India could have rightly used such powers. This brings me, Sir, to observe that all these things have created such a feeling of uneasiness and uncertainty, indeed of alarm in the minds of the community in the European schools in India, who alone supply candidates for this Department, that I understand this year there were only 7 passed military medical pupils who have joined the I. M. D. There is, therefore, a serious paucity of students. The Government, I understand, think this is because the standard of preliminary education has been raised. I cannot agree with this view, because the percentage of higher education in the community stands to-day very much higher than it was five years ago. The same applies to our University education. Men in the I. M. D. live a life of great uncertainty, they do not know what is going to happen to them and the Department: they do not know whether the R. A. M. C. (Ranks) will replace them as is rumoured. They have effected their insurances and are tied down to certain financial liabilities. Their children must be educated. This uncertainty enhances their difficulties. Young men will not enter the colleges on this account. I ask the Honourable Member in charge of this Department whether he is able to assure me on the floor of this House, that the future of the I. M. D. is not as uncertain as it is rumoured to be, and that I can with assurance and in good faith recommend the community to enter its ranks. Indeed the community has always been keen to enter Government services, but they see no security in the I. M. D. They ask for an assurance; I do so also.

I cannot talk in the same glib manner as my friend Mr. Muhaminad Yakub did when he spoke about Muhammadan education, because if I were to ask for a few lakhs of rupees only for Anglo-Indian education—not crores as he has done.

**Mr. B. Das:** You have got more than your share.

**Lieutenant-Colonel H. A. J. Gidney:** I would be howled down for seeking preferential treatment; so I shall be silent on that matter.

I now come to the last point which is a question that has agitated, and is to-day agitating the community which I have the honour to represent. Indeed, it is one which I believe is also agitating both the Indian Government and the Home Government: I refer to the admission of Anglo-Indians into the Army and the formation of an Anglo-Indian Unit or Battery. I consider, Sir, that the time has come, indeed is long passed, when Government must make a definite pronouncement, and to use my friend Diwan Bahadur Rangachariar's phrase, when no more shilly shallying and dilly dallying will be tolerated. The community has proved its fitness for military service, and if the Government of India have any regard for us and our future position in India—if they are possessed of any gratitude—they should grant our request without any further delay. Even the late Lord Rawlinson said we were a military asset to India, but I ask, what is the use of merely stating this on paper, when I find to-day that I cannot enter the Indian Army because there is no caste there to take me into, and I cannot enter the British Army because I am not a Britisher, and yet the Britisher is responsible for creating the Anglo-Indian community. Sir, the two German Zeppelins which were brought down in the last war were brought down by two members of the domiciled community, Lieutenant Robinson and Lieutenant Waneford. If the community can produce men of this type, men who did heroic deeds during the War, I ask, are we not fit to form one regiment of the Army in India? It is stated to be a question of military economy. I wish economies were honestly practised in departments which could easily stand them. It is said you cannot replace a British or an Indian unit by an Anglo-Indian unit, but it seems you can with impunity squander the Indian tax-payers' money, our money—on maintaining a Corps of Majors and expensive nurses which money could support an Anglo-Indian unit. Sir, this is no longer an Army question—as General Sir George McMunn, late Q. M. G. in India, who is one of the living authorities on these questions said—it is a Government of India question and one of the biggest Anglo-Saxon blunders has been in not using members of the Anglo-Indian community in the Army, men, who, in point of loyalty, have always stood by their King and country. Sir, here is the Anglo-Indian community begging to be allowed to serve their King and country in its defence, and all that we are told is that our men have proved themselves quite fit for the Auxiliary Force, and we must rest at that. Sir, call this rank injustice, crass ingratitude to a loyal community whose one fault is that it is dying of loyalty. Is our loyalty to be penalised and victimised in this manner? I consider, Sir, that the time has come when the Government of India should seriously consider this question. We are found fit for the Auxiliary Force, of which we form at least three fourths, and even here we are not given an adequate percentage of commissions. Can any loyalty and patriotism stand this strain much longer? Is it surprising when I say our youth are getting restive? Reflect on the grotesque position we are placed in the New India, competing with the Almighty in our trinity of existence, i.e., for social purposes, we are called Anglo-Indians, for occupational purposes, we are called statutory natives of India, and for purposes of the defence of India, we are called European British subjects. How can a community saddled with this handicap make any headway? How can they take part in the progress of New India, as we see it being developed unless they are given a definite status in their country? I submit—give me a definite status and I shall have a definite goal, but do not let us go about like sheep wandering in the

wilderness answering to different names for different purposes to suit the conveniences of the civil and military departments of the Government of India. On behalf of the future generations I demand from the Government of India, Sir, a clarification of this situation. They must settle it once and for all, and if the Government of India say they are prepared to give us an Anglo-Indian regiment either in the cavalry, infantry or artillery, then let them plainly say so, irrespective of what the Army authorities say. Sir, I cannot conclude my remarks without making an appeal to the Honourable Member in charge as also to the Government of India, and I ask them in the interests of all concerned, in the interests of the community which I have the honour to represent, and in the interests of British fair play, not to play with the community any longer, and to keep them as hewers of wood and drawers of water, which we refuse to be any longer, but to give the Anglo-Indian community, which was created by the British nation, an honourable, responsible and respectful position, however small it may be in the defence of its country, its motherland—India. We demand this not as a favour or privilege but as a just and a well-earned and merited due and claim.

**Mr. Mahmood Schamnad Sahib Bahadur** (West Coast and Nilgiris: Muhammadan): Sir, I also oppose the Finance Bill and I do so on two grounds. One is that all these additional taxes were imposed during the years when there were large deficits. Now, therefore, when there is a surplus, it ought to be applied to reducing taxes. The other reason is that there are several directions in which there is unnecessary and wasteful expenditure. If this waste is curtailed, there will not be any necessity for such heavy taxation. I will quote, Sir, a few instances. Every year Government are spending a large amount of money in the Andamans simply to maintain it as a penal settlement. Although it is now condemned as such and it was also decided to close it as such, they maintain it simply to provide cheap labour for certain capitalists. The other day the Honourable the Home Member said that these islands are very fertile and will be a very valuable asset to India. All right. Nobody denies that. But you can do it with much less expenditure and in a much less objectionable way. I shall explain how expenditure could be curtailed and also how the objectionable and expensive methods could be removed. The expenditure in 1924-25 was Rs. 41½ lakhs while the income was only 18 and odd lakhs. So we had to spend about Rs. 28 lakhs more than the receipts. If only half of this amount is spent for some years in helping the colonists to go and settle there, in giving them other facilities, in clearing the jungles and in other matters, people will go and settle there in sufficiently large numbers, health, etc., will improve, there will be more trade, the harbour will develop and the income also will increase very largely, so much so, year after year, that there will be large savings. Sir, with your permission, I shall read a few lines just to show how this expenditure could be avoided and how the thing could be done in a much less objectionable way. The Jails Committee say:

"There can be no doubt that the employment of convicts in the cultivation of rubber and coconuts involves much exposure to weather and is otherwise hardly consistent with sound methods of prison administration. It necessitates the convicts being very much scattered, thus rendering supervision difficult and facilitating the continuance of some of the existing abuses noticed above. The heavy rainfall of the islands during the great part of the year is trying to the health of the prisoners. \* \* \* Moreover, the financial success of the undertakings involves an element of doubt. If they are as profitable as their advocates suggest, there should be no difficulty in making them pay under the same conditions as those which regulate similar enterprises in Burma, the

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Straits Settlements and the Dutch Colonies, that is, by the employment of free labour. If, on the other hand, convicts are needed in order to show profits, we think it is probable either that all the elements of cost in the supply of the convict labour are not taken into account or that the necessity of treating prisoners with due consideration has been lost sight of. Convict labour is notoriously less efficient than free labour and is, therefore, *prima facie*, more expensive, nor does the absence of a wage-bill usually make up for this, when the cost of guarding, maintenance, superintendence and capital outlay are all fairly allowed for. Moreover, in the case of the Andamans, this cost is enhanced by the expenditure involved in transporting to the islands not only the convicts themselves but their food, clothing and almost all the necessities of life. \* \* \* We are strongly of opinion that the future of the Andamans as a penal institution should not be decided on the basis of the actual or potential value of the islands as a commercial or industrial proposition."

Sir, there is no scarcity of free labour. They could get any amount of free labour, and that much more profitably, if the Andaman Islands are governed as other parts of India are governed, and if the same laws are made applicable. Now there is no law there. The will of the Chief Commissioner is law; no lawyer can go there. People can be shot or hanged for mere assault; and there are several instances. Of course all this is done simply to supply cheap labour to certain capitalists. There is an enormous waste of money. It is admitted by the Government that free labour can be obtained without difficulty. Paragraph 12 of the Government of India Resolution says:

"Free labour can now be imported at moderate rates and Government itself has been successful in establishing a small but genuine settlement of some 30 Karen families in the same locality where labour is required for forest work. A party of 160 returned emigrants from Natal recently arrived in Port Blair with the intention of settling in the islands and Government will welcome further parties."

So, it will be seen that there is no scarcity of free labour. This objectionable method of employing prisoners is simply resorted to in order to supply cheap labour to these capitalists. When we went to the islands there was with us on the same steamer a party of about 120 coolies who had returned from Fiji, Natal, etc. They had been told that they would get all facilities and some loans from Government and that certain other inducements would also be given to them. But when they went there, they were given no facilities and we were told that they were in difficulties. One Muhammadan with his wife and child had to return by the same steamer with us and some of us had to subscribe for his return passage.

**Mr. President:** Order, order. The Honourable Member must connect his observations with the Finance Bill.

**Mr. Mahmood Schamnad Sahib Bahadur:** They do not encourage free labour. It would be cheaper to have free labour and yet they want to have this expensive method of employing these convicts, which is resorted to only to help certain capitalists. All the important Government plantations have been given to European capitalists. There is a Mr. Vernick who has been given thousands of acres of Government cocoanut plantations, which yield an income of more than one lakh of rupees and they have not taken anything . . . .

**The Honourable Sir Alexander Muddiman:** I am unwilling to interrupt the Honourable Member, but on the plantation in question there is no convict labour.

**Mr. Mahmood Schamnad Sahib Bahadur:** That was given to him without taking anything in compensation for the capital that has been spent on

these plantations. He also admitted that he had got about 100 Assamese coolies in these plantations. If these are given in small lots to a large number of poor Indian coolies, they will go and settle there and free labour also will be available. Government are resorting to this method of making use of convicts with an ulterior motive. The Government Resolution says that the Moplahs are very happy there, and that they went there of their own free will. This is quite untrue. They were compelled to go there. It is quite untrue to say that the Government scheme has proved successful. They never went of their own free will, and after going there they were forced to bring their families. In order to induce them to do so they were given very hard labour and they were told that if they brought their families they would not be so treated. If they murmured they were tied and whipped and there are several instances of this. Then they had to write to their families . . .

**The Honourable Sir Basil Blackett:** Sir, may I appeal to you for the protection of the House against this?

**Mr. President:** The Honourable Member must come to the point.

**Mr. Mahmood Schamnad Sahib Bahadur:** In this way they have swelled the expenditure. They could do all this with the Moplahs because they know that the Moplahs are dumb, they have no platform, no press and they are not so vocal . . .

**Mr. President.** The Honourable Member must understand that all this has nothing to do with the Finance Bill.

**Mr. Mahmood Schamnad Sahib Bahadur:** So I oppose the Bill.

**Mr. Kasturbhai Lalbhai:** If I intervene to-day in this debate it is only with a view to express on behalf of the textile industry our very best thanks to the Honourable Members for getting the historic wrong of the cotton excise duty righted. I am particularly glad at the same time to find that the abolition of the cotton excise duty has not deprived the provinces of the refund of their contributions. It gives me great pleasure that after 30 years of ignominious imposition we have seen the final abolition of the cotton excise duty during the lifetime of this Assembly, and no small credit is due to the non-official Members, both Indian and European, for their vigorous advocacy of the abolition in spite of the various objections urged on the side of Government. I should be failing in my duty if I were not to offer my thanks to His Excellency the Viceroy and the Members of Government. It is to be hoped that the Honourable Sir Basil Blackett, as the pall bearer who is to give the statutory burial to the cotton excise duty, may inter the coffin sufficiently deep so as not to be discovered by any of the future archæologists. Sir, I feel confident that with the abolition of the cotton excise duty the textile industry, which is a great national asset, will be able to stand better on its legs and face foreign competition.

**The Honourable Sir Basil Blackett:** This debate, as usual, has ranged over a very wide field, and it is going to be a difficult one for me to refer to because it has been rather specially diffuse. I shall come later in my

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speech to some remarks as to the use made of the opportunities for discussing the Budget and the Demands for Grants this year. First I desire to plunge into an attempt to deal with some part of the mass of special points which have been raised during the discussion.

The military expenditure rightly came in for a considerable amount of examination. I do not think that those who spoke on this subject were altogether just to the Government of India in regard to the reduction which they have effected this year following on the continuous reductions in previous years. Mr. Rama Aiyangar, whose figures I was not entirely able to follow, seemed to think that there had been no reduction. I think he made out that on the whole there had been an increase. He carefully added up certain items which were non-recurrent and mentioned as non-recurrent in the Budget for the current year and I think it came to a total of Rs. 137 lakhs for those figures, and then he said that, as the total reduction was only about Rs. 137 lakhs, there was no reduction at all. But he was careful to ignore the figures on the other side, special credits, for instance, in regard to surplus stores which had been reduced, as I said they must necessarily be reduced next year, in comparison with this year and the year before. He asked how I justified my statement a year ago that I expected a further important reduction of military expenditure in 1926-27. My answer is that I justify it by pointing to the figure of Rs. 54·88 crores as the estimated expenditure for 1926-27 as compared with Rs. 56·25 crores for 1925-26. Is that not a further important reduction? The Honourable Member went on to draw attention to the extra expenditure on equipment, both in the current year and in the next year. I have already in another place referred rather fully to that. We have been ever since the war and particularly since 1923 engaged in examining into our stores accounts and discovering how far our stores are surplus, exactly what stores there are and how they are being used, and what stores we really require. The upshot of those inquiries has in the event been to prove that there is certainly something wanting in our existing methods of keeping our stores accounts as we rather suspected. Certain immediate shortages have come to light which we have had to make good. That is the explanation of the special expenditure which I have referred to. Meanwhile, we are conducting a fuller inquiry into the whole position the result of which, I have no doubt, will be greatly to improve the situation as regards the future and possibly to bring to light further surplus stores of which we are not absolutely sure at the present time. I should like to say in answer to something which fell from Colonel Crawford in an earlier debate, that the reduction in the stocks and the necessity for replacing them rather suddenly were not due to any refusal on the part of the Finance Department to find funds. It was due ultimately to the absence of complete knowledge of what stocks various military departments concerned held and what they really required, knowledge which we have now supplemented by an examination. Other speakers spoke of military expenditure. As a rule the points which they raised were points of detail which will in due course, I have no doubt, be fully looked into by the Army Department. In some cases,—this particularly refers to my Honourable friend, Colonel Gidney—the Honourable and gallant Colonel was I think giving us a summary of the representations made by him to the Secretary of State. Those representations

are, as he knows, under examination and I believe they have reached the stage of a despatch before the Secretary of State, but obviously he cannot expect me to make any answer in detail to those points. There are two points, however, in regard to military expenditure with which Mr. Rama Aiyangar dealt, to which I should like to refer. He challenged the statement of His Excellency the Army Member that there had been no fall but on the contrary a rise in prices, and he quoted as against His Excellency the Army Member, the statement in my budget speech that there had been a fall in general wholesale prices of quite considerable amount. For all commodities in January 1923, which may be taken as the date when the Inchcape Committee was framing their Report, the index number of wholesale price was 179, it was 172 in January 1924, 171 in January 1925, and 163 in December 1925. There has therefore been a fall not of 26 but of 16 in the general commodity number. But the articles which are of real importance in regard to this question of prices for the Army are food and forage, that is, mainly the cereals and pulses. The movement in the prices or rather in the index number of prices of cereals and pulses has, as I think Honourable Members are generally aware, been strikingly in contrast to the movement of general prices in the last two years. In January 1923 the index number for cereals was 114 and in December 1925 it was 133. For pulses the index number in January 1923 was 118 and in December 1925 it was 151. There has been a very large increase during this period in prices of food grains. At the same time, there has been a very considerable fall in general commodity prices, and that is part of a world-wide movement of readjustment. One of the effects of the war and post-war period was largely to put the prices of agricultural products out of equilibrium with general prices. They are now to a great extent coming together again. There was a very heavy fall in cereals in the year 1922 and in the case of pulses it was even greater, at a time when there was a slight rise in general prices, so that His Excellency the Army Member was quite right in saying that so far from there having been a fall in the prices, from the point of view of the Army in this connection, there has been a considerable rise. Another point that was made by Mr. Rama Aiyangar was that he complained that His Excellency had spoken of the figure of 50 crores mentioned by the Inchcape Committee as a pious aspiration. Well, I am impious enough still to aspire to it. I do not say that it will be reached next year or the year after, but, for myself, at any rate I can say I do not entirely regard it as something to be kept altogether out of sight.

Mr. Neogy is the speaker with whom I should like to deal next and I should like to begin by saying that I was rather astonished at the bitterness which seemed to have invaded Mr. Neogy when he was making his speech. I do not know why, but he struck me as being very much more bitter in tone than I generally expect from Mr. Neogy. The particular question that I wish to deal with is what he had to say in regard to the commercial accounts of the Posts and Telegraph Department. He had two different complaints. One was that the introduction of the charge for interest into the account of the Post Office ought not to have been made without the knowledge of this House in 1921-22. and, secondly, that it is not a justifiable charge. As regards the first, I have here before me Sir Malcolm Hailey's speech as Finance Member made on the 1st March 1922 in which he dealt with the Posts and Telegraphs. After



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giving certain figures as to division of charges between capital and revenue he says:

"We estimate that the expenditure chargeable to the revenue account next year will exceed the receipts by about 96 lakhs after allowing for the debit of interest on the capital charge."

He definitely mentions that:

"This figure, however, does not include the cost of pensions on the one hand and on the other credits for certain concessional services rendered by the Department to Indian States or foreign governments. If we make adjustments on account of these items, there will be a further credit due to the Department of about 17 lakhs, and, allowing for this, it may be said that during the current year the Department has been working at a loss of about 80 lakhs. This has a very definite bearing on certain proposals that I shall shortly mention."

In the Memorandum published by the Financial Secretary a similar statement in regard to the inclusion of interest charges is made and it is perfectly evident that the interest charge was included with a definite object, namely, that of showing to the House and the country what was the true cost of the working of the Post Office.

**Mr. K. C. Neogy:** May I interrupt my Honourable friend? If he were to refer to the earlier part of this paragraph of Sir Malcolm Hailey's speech he will find that the reference is to the interest charged on a sum of Rs. 1,28,00,000 which was transferred from the revenue to the capital side in the Budget of 1921-22 on a motion made by Mr. Samarth. This does not deal with the total of the interest charge as entered in the revise of that year.

**The Honourable Sir Basil Blackett:** If the Honourable Member is not satisfied, I will refer him to the financial statement of the Finance Secretary made at that time in which he said:

"It has been decided to make a charge to the revenue account of the Department on account of interest on past outlay as in the case of capital outlay on railways and irrigation works. The debits on this account in the revised estimate for the current year and the Budget for next year are estimated at 60 lakhs and 66 lakhs respectively."

**Mr. K. C. Neogy:** There was no reference to this fact in the Budget speech of the Honourable the Finance Member.

**The Honourable Sir Basil Blackett:** The Honourable Member insinuated that this was introduced somehow secretly and was not explained at the time. I have shown that it was not introduced secretly and it was explained at the time. The reason why it was introduced was exactly the one which the Honourable Mr. Neogy suggested, namely, in order to show the true cost of the department and to bring out the fact which had been suspected but not shown previously that the department was running at a considerable loss and that the general taxpayer could not afford to go on subsidizing this department to such a heavy extent, and that the time had come when however reluctantly, the old lower rates of postage must be raised. That was the purpose with which the commercial account was brought clearly out.

Now, the second point is whether it is a reasonable charge to the commercial account of an undertaking such as the Posts and Telegraph Department? We have discussed this once or twice before. Mr. Cocke made the position very clear when he used the analogy of the sale of the



Posts and Telegraph Department as a going concern to a private company. What seems to be argued is that if I, as an individual, save a certain amount of money and invest it in a business out of my savings, I do not expect a return on it; but if I borrow money in order to invest it, then I expect a return.

**Mr. K. O. Neogy:** It is not an investment at all.

**The Honourable Sir Basil Blackett:** The Honourable Member has had his say and will he please allow me to continue? The tax-payer provides certain services for the users of Posts and Telegraphs. He has invested certain sums in the Department to provide those services and he wants to know what charge he should make to the users of those services in order that he may not make a profit but may avoid incurring a loss. I submit that it is patent to every body that if you want to find out whether or not you are running a service at a loss, you must include interest on the capital invested in the Department that gives the service. The object of course of arguing that you can afford to do without making this charge is to show that the Post Office has a large surplus. I would point out that so far as the Postal Department is concerned the charge for interest is only 7½ lakhs nearly all the charge for interest comes under the heads of Telephones or Telegraphs. It makes very little difference as far as the Post Office is concerned whether you charge the interest or not, but that does not affect the main argument. The main argument is that if you want to know whether you are subsidising the Posts and Telegraphs or not, you must show interest in one form or another. From the point of view of the Government as a whole it is a question simply whether you will give a subsidy in one form or another or not have a subsidy. I maintain that it is undesirable, if you can avoid it, to carry on such services as the carrying of mails and telegraph and telephone services, at a loss but that the Government should endeavour to give those services at the least possible charge. If by subsidising for a short time you can look forward to such an increase of profit on the further traffic that you carry, that you will be able in a few years to avoid the continuance of that subsidy, that is an argument and a very strong argument for the reduction of rates. But the only effect of reducing rates will be to increase your loss, to cause an increasing subsidy in proportion as your traffic increases, you will embark on an extremely dangerous policy, and I say that I am myself, and the Government of India are convinced that it is out of the question to look forward, unless things move in an unexpected way in the matter of prices, to being able to revert to pre-war rates for letters and postcards within any time that it is worth worrying about, if ever.

**Mr. B. Das:** Are you going to separate the Departments?

**The Honourable Sir Basil Blackett:** I do not propose to go very deeply into the question of separation of the two departments. They are as far as possible separated in the accounts, but of course it is obvious that a good many hypotheses are involved in separating accounts of that sort as a great many services are carried on for Posts and Telegraphs in the same building by the same staff, and this is a difficulty which has baffled others. But I say in answer to another question of Mr. Neogy that in my view it is desirable, so long at any rate as the Government run the Telegraphs, that you should consider the Department as a whole and that you cannot wisely ignore your Telephones and Telegraphs in considering what

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rates to charge for your postcards and your letters. In any case if I may anticipate what my Honourable friend, Sir Bhupendra Nath Mitra, will have to say on one of the clauses of this Bill, the amount that is possibly available within the Post Office vote is certainly not enough for any of the reductions of the kind that seem to be desired judging by what is down in the paper. (*An Honourable Member*: "Is that a reason for making a gift to the Telephones?") The argument put forward is that interest should not be charged. If that is pressed the Telephones are running at considerable profit. If Honourable Members are at all moved by parallels from other countries, I find that in all the accounts of other countries that I have been able to get hold of, it is the regular practice to charge interest in commercial accounts, and the regular rule adopted is either to try and make some small profit for the tax-payer out of Posts and Telegraphs, in order to compensate for loss of income-tax and so on, or to avoid running them at a loss.

**Mr. K. Rama Aiyangar**: Would not the charge for interest which is now made to the Telegraph Department go to the Postal Department because the Postal Department built all those buildings?

**The Honourable Sir Basil Blackett**: If the Honourable Member wishes to subsidise the Post Office he can do it in several ways but it is entirely unnecessary to invent irrelevant ways of doing it.

I did not follow Mr. Neogy's objection to this Finance Bill on the ground that the power of certification existed. It is open to him to raise the practical question of certification by trying to throw the Bill out, but I do not see that what he had to say on that subject was relevant. The Bill is before the House for its consideration on merits, and I have very little doubt that they will find those merits sufficient to pass it very much as it stands.

Colonel Gidney and Mr. B. Das had something to say on the subject of the Imperial Bank. I too regret, as Mr. B. Das does, that we did not have the opportunity of dealing this Session with his Bill on the Imperial Bank. He began his remarks about the Imperial Bank by saying "the Imperial Bank, everyone knows what it is", but I came to the conclusion that he had not the ghost of a notion himself. He made statement after statement which had absolutely no foundation in fact, absolutely and entirely incorrect; his perfervid imagination invented figures as he went along. I have no doubt he believed that they were facts, but it is impossible for me to come here and do otherwise, when such figures, which exist only in his imagination—however much he may believe they are facts—are thrown at my head, than tell him as politely as I can that they are not facts. Colonel Gidney drew attention to the allegation that there is no provision for allowing Indians into the Imperial Bank. This is entirely untrue. Mr. B. Das said that the Bank was entirely run by vested interests and was not admitting any Indians into it by putting the difficulty in their way that they had to have previous European training. That is not the case. The Bank have made very elaborate arrangements for training Indian officers. The condition as regards previous European training is strictly enforced as regards Europeans. It is absolutely not enforced at all as regards Indians. So far from enforcing it for Indians the Bank have invited applications and have a waiting list of something like 4,000 people waiting for admission on these terms. They are

being admitted and being trained by the Bank and Colonel Gidney is no doubt right in saying that there are at least 300 of them in the service. Colonel Gidney had a grievance on that matter which partially accounts for my being aware of the position in this instance. Colonel Gidney's grievance has been that Anglo-Indians were not admitted as Indians as probationers in the Imperial Bank. That was the case until about six months ago I think, but on the attention of the Imperial Bank being drawn to the view of the Government of India that Anglo-Indians were to be treated and were being treated for all purposes of appointments to the civil services in India as Indians, the Bank has agreed to treat Anglo-Indians as Indians for this purpose . . . . .

**Mr. B. Venkatapatiraju:** Indian pay and Indian qualifications, not European pay and European qualifications?

**The Honourable Sir Basil Blackett:** I do not think there is any difference; so far as I am aware they admit them as Indians exactly on the same basis as other Indians.

Some thing was said by Mr. Rama Aiyangar on our provision for debt being excessive. I have by chance, after the debate that took place last week, come across evidence, which was not in my possession at that time in regard to the position both in the United States of America and in the United Kingdom. In both countries the provision for redemption of debt is on a considerably higher scale than it is in India. In both countries realised surpluses are applied to reduction of debt, and I am interested to observe that in the United States of America repayments by the allied Governments of the war loans made to them during the war are appropriated direct to debt redemption, which forms an interesting parallel to the proposal in the Finance Bill now before the House.

**Mr. K. Rama Aiyangar:** What is the proportion of the unproductive debt in those two countries?

**The Honourable Sir Basil Blackett:** As I have more than once stated, the Indian Government's plan is based on the total of the debt quite definitely, not merely on the unproductive debt. As illustrating the importance of sound finance on the Government of India's future borrowing, I should like to draw the attention of the House to the figures in regard to the way in which the market has received the Budget.  $3\frac{1}{2}$  per cent. Government paper on March 1st was quoted at 71. On March 12th it was quoted at Rs. 72-12. 5 per cent. War Loan 1929-47 was quoted in Calcutta at 97/8 on 1st March. On March 12th it was quoted at 98/14. 5 per cent. Bonds 1935 were quoted in Calcutta on 1st March at Rs. 97/7; on March 12th they were Rs. 98/14. What that means in the possible reduction of charges for interest will, I think, appeal to Mr. Rama Aiyangar, whose mind is open to conviction . . . . .

**Sardar V. N. Mutalik:** Is it due only to the Budget?

**The Honourable Sir Basil Blackett:** That is since the date of the Budget; I think it is due almost entirely to the figures given in the Budget as regards our borrowing next summer.

**Mr. Kasturbhai Lalbhai:** Because of the implied suggestion that the rate of interest will be less.

**The Honourable Sir Basil Blackett:** It is all on the lines of my anticipation, and it is very satisfactory from the point of view of the tax-payer of this country. I do not complain of the use made by the House of the debate to-day, but I do think there is some room for complaint as to the use made of the opportunities this year of the budget discussion. I have sat here last week during the two days that were devoted to the constitutional issue and realised the full greatness of the co-operation of the Swaraj Party in this year's Budget. I was reminded of the beautiful lines of an Indian poet. I think they occur in her volume entitled "The Bird of Time":

"How shall I woo thee, oh dearest?  
With the delicate silence of love."

There I think we have real co-operation, whatever it may have been in words. I also amused myself I am afraid in parodying Longfellow. I imagined myself sitting down in front of an examination paper on which the question was: "Define the precise extent of co-operation received from the Swaraj Party during the last year", with a note: "This should be done in poetic form as the blessed word 'co-operation' cannot be taken in a common or garden meaning". And my answer to it was a parody of Longfellow:

"Let us then go on accusing,  
Flout the Secretary of State,  
Still reviling, still abusing,  
In a word, *co-operate*."

There was another poem I thought of during those debates, or rather some lines from an 18th century poem:

"In every Government though terrors reign,  
Though tyrant kings and tyrant laws restrain,"

(I suppose that is Sir Alexander Muddiman and the Vagrancy Bill),

"How small of all that human hearts endure,  
The part that kings or laws can cause or cure,  
For forms of Government let fools contest,  
That which is best administered is best."

**Mr. B. Venkatapatiraju:** The last is wanted.

**The Honourable Sir Basil Blackett:** I do not entirely subscribe to the last statement because I believe in the essential superiority of self-discipline, rather in discipline imposed from outside. I apply that to liquor legislation as well as to politics; but I do think it contains a truth that is of value to us in India where we are apt to be continually obsessed by what we regard as the political and constitutional problem. I do not deny the value of such a discussion, especially when it was on the level it was last week on Thursday and Friday, on the constitutional issue. And it was a discussion obviously followed with very great interest both by Members of this House and by others, an interest which I have not observed to-day. I was also very much interested in the course of that discussion to observe how Member after Member got up and talked about the sins of the Government, and very often went on to say that sin would be no more as soon as the Government were responsible to this House, and then Mr. Burdon got up to answer some remarks with respect to military affairs and he developed, line by line and precept by precept,

what had been done by the Government of India in the Military Department, often against great odds, in the successful starting of the Dehra Dun Military College; what had been done, or was being done, by the Government of India in regard to the Territorial Force, urban units, University Training Corps, and so on, all of them subjects which I maintain are absolutely vital to the matter in hand. They go right to the kernel of the problem, so much so that the Honourable Mr. Jinnah was constrained to get up in the middle of Mr. Burdon's remarks and ask if they were relevant! Now I do think that we sometimes forget that, when the Royal Commission or the Statutory Commission comes out, it will not consider only the successes or otherwise of dyarchy and the working of the constitution in this Assembly or the extent or otherwise of the co-operation received from various quarters. I venture to say that Dehra Dun with its Military College and its Forestry College and its Forestry Research Institute will loom not much less largely in the eyes of the Statutory Commission than the ephemeral pronouncements of Congress Committees at Cawnpore, and that that Commission will examine with interest the extent, and I gladly say it has been a very very great extent, to which the improvement of our finances has been brought about under the charge of a very largely Indianised Finance Department and its associated departments. Sir Hari Singh Gour inquired what was the difference between 1926 and 1929 and found that it was three years; but that did not seem to impress him. But there is a very important difference even in that three years. Honourable Members forget, I think, very often the silent revolution that has been taking place all through the departments of the Government of India and all through the services. An increasingly large number of Indians have been associated with the Government of India in ever higher and higher positions of responsibility. They are coming on in increasing numbers to higher posts of responsibility year by year; and I venture to say that when the Royal Commission does come it will find a very great deal to interest it on that side of the picture as well as in the constitutional debates of this House.

That leads me to make one more complaint as to the way in which the opportunities for the discussion of the Budget have been used. I should very much like to see something much more organised in order that this House might, for example in dealing with the Demands for Grants, get closely into touch with the administration of each of the important departments and use the opportunity afforded by the debate on the Demands for Grants for getting a general statement from the Member or officer in charge of the department as to his administration during the year, as to his hopes and fears for the future, and his general lines of policy, and at the same time of course naturally get him to answer criticisms. I believe that that sort of discussion, if selected Demands for Grants were taken year by year, would do a great deal to bring the Government into touch with the House and with the people, make them responsive if they are not responsive—where at present they are said not to be responsive,—and even make them sometimes responsible, because the necessity of explaining themselves does involve a very considerable amount of responsibility, whatever this House may like to say to the contrary. But I do feel that instead of that we have largely frittered away our opportunities. Very few of us came prepared to speak, myself among the rest, on the first day of the budget debate which wound up before lunch owing to the unwillingness of some people and the unreadiness of others to make their

[Sir Basil Blackett.]

speeches. Of the debates on the Demands for Grants, practically three days when all is said and done were devoted entirely to the constitutional issue. We have made up to some extent to-day, but if my reply this evening is unsatisfactory it is largely because during the budget debate and the debate on the Demands for Grants each of the points raised can be answered by the Member in charge of the particular department concerned; he can make his speech and he can explain the points that have been raised. But here in a second reading debate on the Finance Bill the opportunity is much more limited, and it is left to me to deal with all the various criticisms that have been brought against the Government of India. I have not attempted to deal with them all. The rest will be found enshrined in the volume of debates which will no doubt be perused with very great interest by the Members and officers in charge of the departments concerned; and I hope that some at any rate will feel that they have been benefited by doing so. But perhaps I have wandered enough from the subject of the second reading of the Bill, and, as it is now half-past five, I will pull myself up and once more commend my motion to the House.

**Mr. President:** The question is:

"That the Bill to fix the duty on salt manufactured in, or imported by land into, certain parts of British India, to repeal the Cotton Duties Act, 1896, to fix maximum rates of postage under the Indian Post Office Act, 1898, further to amend the Indian Paper Currency Act, 1923, to fix rates of income-tax, and to provide for the appropriation of certain monies for the purpose of the reduction or avoidance of public debt, be taken into consideration."

The motion was adopted.

The Assembly then adjourned till Eleven of the Clock on Tuesday, the 16th March, 1926.







# LEGISLATIVE ASSEMBLY.

*Tuesday, 16th March, 1926.*

The Assembly met in the Assembly Chamber at Eleven of the Clock, Mr. President in the Chair.

## MEMBER SWORN:

Mr. William Stenhouse Lamb, M.L.A. (Burma: European).

## QUESTIONS AND ANSWERS.

SUPPRESSION OF QUESTIONS SENT BY SRIJUT SATYENDRA CHANDRA MITTER, M.L.C., A DETENU IN MANDALAY JAIL, FOR ANSWER IN THE BENGAL LEGISLATIVE COUNCIL.

1287. **\*Mr. Gaya Prasad Singh:** (a) Will the Government be pleased to inquire if it is a fact that Srijut Satyendra Chandra Mitter, M.L.C., a detenu in Mandalay Jail, sent some questions to be answered by the Government of Bengal in the Bengal Legislative Council and that the questions were suppressed?

(b) If so, were the questions suppressed by the Burma Jail officials or by whom and why?

**The Honourable Sir Alexander Muddiman:** Government have no information.

## THE WOMEN'S MEDICAL SERVICE.

1288. **\*Mr. C. Duraiswami Aiyangar:** Will the Government be pleased to state:

- (a) How many of the appointments in the Women's Medical Service are held by women with British qualifications and how many of these are Indians?
- (b) Is it a fact that Indian ladies with British qualifications have no chance of being recruited to the Service either in England or in India?
- (c) Is there any proportion fixed for recruitment to the Service in England and India?

## TRANSFER OF DR. THUNGAMMA OF THE WOMEN'S MEDICAL SERVICE FROM BENARES TO JUBBULPORE.

1289. **\*Mr. C. Duraiswami Aiyangar:** (a) Is it a fact that one Dr. Thungamma, W.M.S., F.R.C.S. (Edin.), was transferred to seven stations within a period of two years?

(b) Is it a fact that she is now under orders for transfer from Benares to Jubbulpore?

(c) Is it a fact that the Local Dufferin Committee, the Municipal Board and a deputation of leading men protested against the transfer?

(d) Will the Government be pleased to state what the final order is in this matter?

**Mr. J. W. Bhore:** I propose to reply to questions Nos. 1288 and 1289 together. The Honourable Member is referred to my reply given to his question No. 1217 on 12th March. Government have no further information to give.

#### APPLICABILITY OF THE SPECIAL LEAVE RULES TO ALL GOVERNMENT SERVANTS OF NON-ASIATIC DOMICILE.

1290. **\*Mr. Amar Nath Dutt:** Is it a fact that since the introduction of the Fundamental Rules, the privilege of special leave ruler has been made applicable to all Government servants of non-Asiatic domicile only, irrespective of their pay and status? If so, will the Government be pleased to state whether this has resulted in increased expenditure from the Indian revenues?

#### APPLICABILITY OF THE SPECIAL LEAVE RULES TO ALL GOVERNMENT SERVANTS OF NON-ASIATIC DOMICILE.

1291. **\*Mr. Amar Nath Dutt:** Is it a fact prior to the introduction of the Fundamental Rules the benefit of the European Service Rules was given to Government servants of higher status irrespective of domicile? If so, will the Government be pleased to state the reasons for:

- (a) admitting Government servants of non-Asiatic domicile belonging to the subordinate services to the special leave rules?
- (b) depriving Government servants of Asiatic domicile, belonging to superior services, of the benefits of special leave rules?

**The Honourable Sir Alexander Muddiman:** With your permission I propose to answer questions Nos. 1290 and 1291 in a single reply. The original basis of discrimination between the European and Indian Service Leave Rules was the country of recruitment. This criterion was, however, to some extent abandoned when it was decided to extend the European Service Rules to officers of various services who drew pay in excess of a certain amount, usually Rs. 800. The basis of discrimination between the special and ordinary leave rules, which have now replaced the European and Indian service leave rules, is one of domicile. The justification of this discrimination is that public servants employed in the country of their origin do not require so liberal an allowance of leave as those serving many thousands of miles from their homes in a climate to which they are not accustomed and which is trying to their health. It is possible that the adoption of this new basis of discrimination will entail some extra expenditure for a few years but with the curtailment of European recruitment and the adoption of the policy of increased Indianization of the services the new basis of discrimination is undoubtedly to the advantage of Indian revenues and will ultimately result in less rather than greater expenditure.

#### GRIEVANCES OF POSTAL INSPECTORS.

1292. **\*Mr. Gaya Prasad Singh:** Has the attention of the Government been drawn to the article that appeared in the *Forward* on the 25th February, 1926, at page 11 under head "Grievances of Postal Employees", and are the facts stated therein correct? If so, will the Government be pleased to state if they propose to remove the grievances of the Postal Inspectors?

**The Honourable Sir Bhupendra Nath Mitra:** The Honourable Member's attention is drawn to the reply given to Mr. Devaki Prasad Sinha's starred question No. 1282 on the 15th March, 1926.

## UNSTARRED QUESTIONS AND ANSWERS.

### MANUFACTURE OF INDIAN PAPER.

**232. Rao Bahadur M. C. Naidu:** Will the Government please state whether Indian paper can be manufactured at rates cheaper and of a quality equal to the imported article?

(This question was asked in September, 1924, and the reply then given was to await the result of the deliberations of the Tariff Board.)

**The Honourable Sir Bhupendra Nath Mitra:** It depends upon the paper. Generally speaking, in consequence of the duties recently imposed, all those kinds of paper which are extensively used, with the exception of papers containing a high percentage of mechanical wood pulp, can be manufactured in India at rates and of a quality which compare favourably with the imported article.

### EXEMPTION FROM ATTACHMENT BY CIVIL COURTS OF THE SALARIES OF WARRANT OFFICERS.

**233. Rao Bahadur M. C. Naidu:** Is it a fact that the salaries of warrant officers and others of similar rank are exempt from attachment by civil courts under the provisions of section 120 of the Indian Army Act, whereas the salaries of commissioned British officers are not so exempt? Do the Government intend taking steps to remove this distinction?

**Mr. E. Burdon:** Yes, Sir. The pay of persons of this class, who are subject to the Indian Army Act, is exempt from attachment by civil courts under the section of the Act referred to by the Honourable Member. The pay of those who are subject to the British Army Act is similarly exempt under sections 136 and 144, proviso (1) of that Act and paragraph 284, Army Regulations, India, Volume II. The salaries of King's commissioned officers are not exempt.

The answer to the second part of the question is in the negative.

### RESULT OF THE ELECTION TO THE PANEL OF THE CENTRAL ADVISORY COUNCIL FOR RAILWAYS.

**Mr. President:** I have to announce that the following Members have been elected to the panel of the Central Advisory Council for Railways:

Sir Hari Singh Gour,  
Lieutenant-Colonel H. A. J. Gidney,  
Mr. S. C. Ghose,  
Captain Ajab Khan,  
Haji S. A. K. Jeelani,  
Mr. W. S. J. Willson,  
Mr. K. V. Reddi, and  
Rai Bahadur Raj Narain.

## THE INDIAN FINANCE BILL.

**Mr. President:** The House will now proceed to consider the Finance Bill, clause by clause. The question is:

"That clause 2 do stand part of the Bill."

**Mr. Mahmood Schamnad Sahib Bahadur** (West Coast and Nilgiris: Muhammadan): Sir, I move:

"That in clause 2 of the Bill for the words 'one rupee and four annas' the words 'eight annas' be substituted."

This question, Sir, has been discussed year after year for the last four or five years and the arguments both in favour of and against have become old and worn out, so much so, that they will look stale to the Members or to those of us at least who were in the first Assembly. As the House might be, I presume, familiar with most of the arguments, the best thing I think will be to put the question and divide the House, thereby showing to the Government the continuous and insistent demand of the people and the necessity for it, and showing also to the country the stubbornness of the Government. Therefore, I shall only offer a few remarks so that other Members who have given notice of amendments may speak if they have any new observations to make; they might have got figures and facts to prove that the raising of the salt tax proportionately decreases the consumption of salt. That means that many poor people are prevented from eating salt at all, which with the Muhammadans is a religious duty. The Muhammadans are enjoined by their religion to take salt at the beginning and end of each meal. Therefore this will amount to interference with their religious practices. (Laughter.) Moreover, poor people in India take their food, however scanty it may be, with only salt, especially their morning meals. They cannot afford to have well-seasoned curries or meat or any such thing. It is difficult, therefore, for them to eat their food without even salt. In India cattle also are accustomed to take salt; they do not take water or any such thing without salt; so by this tax you are depriving not only the poor people but also the dumb animals and the cow, which is generally considered very sacred by the Hindus, of their salt. One plea of the Government is that they cannot afford to lose this big revenue and therefore some substitute must be found for it. But I say it is not our business to find that out. How did they find money to make provision for increased expenditure on account of the Lee Commission's Report? They are spending large amounts of money even where it is not necessary, such as the Andamans. (Laughter.) It has been shown that by reduction of salt duty, its consumption increases; therefore the Government income also increases; so what is lost can be partly made up by increased revenue. Of course I am not going to give figures. My Honourable friend, Mr Rama Aiyangar, will do justice to it; he will be a match for the Honourable the Finance Member in the matter of figures. (*Khan Bahadur W. M. Hussanally*: "He is not here.") As has been pointed out by several Members, it is not necessary to make any provision for an archaeological fund or any such thing. Nothing is lost by delaying such things. When the poor people are starving, we should not embark on luxuries such as archaeological excavations and so on. This year is not like former years. We have got an assured surplus and a steady financial foundation.

Another plea of the Government is that every man must contribute to the general finances of the country and that the poor do not pay any other

tax. This is wrong. The poor man is indirectly contributing in every other tax. Besides, it is only those who can maintain themselves that ought to be taxed. The poor man has not got sufficient even to maintain himself. So it is cruelty to tax the poor man. Moreover, the poor man does not require so much protection of the police or any such thing as the rich man. This tax, moreover, amounts practically to a poll tax, and poll tax has always been hated as being unpopular in India even in pre-British days. The cost of producing one maund of salt is less than two annas, but you levy a tax at the rate of Rs. 1-4-0 a maund. What justification is there for this disproportionate tax? Professor Fawcett has said rightly that man's right to eat salt must be as free as his right to drink water or to breathe air. With these words, Sir, I place my amendment before the House.

**Dr. K. G. Lohokare** (Bombay Central Division: Non-Muhammadan Rural): Sir, the amendment that stands in my name reads thus:

"That in clause 2 for the words 'one rupee and four annas' the words 'twelve annas' be substituted."

Sir, there is no question that a reduction in duty increases consumption, and in the case of India, looking to the total consumption of salt to-day, we find that the consumption per head falls short of what is said to be a healthy standard. We have in the Taxation Inquiry Committee's Report a statement at page 135 showing the quantity of salt allowed to convicts in jails. In Bombay, the United Provinces, the Punjab and Burma, the average allowance for each convict is about 12 lbs. annually, while in the case of other provinces it is something like 18 lbs. The total consumption of salt in this country comes to an average per head of not more than 8 to 9 lbs. If convicts in jails require with the sort of dietary that is prescribed for them not less than 12 lbs. a day (*An Honourable Member*: "A day?"), I mean per annum,—thank you for the correction—if they require 12 lbs. of salt per annum per head, free men ought necessarily to have a far more liberal allowance for the dietary which they usually take. (*An Honourable Member*: "No, no.") Yes, my friend presupposes that everybody is in jail. If the whole Indian nation is to be considered in jail, then my Honourable friend's views can very well hold good. But as we are here so far free to eat at least what we choose, I see nothing in my friend jeering at that idea, and, as long as human beings have a taste for a variety of diet, the allowance of salt each man should have come to not less than 18 to 20 lbs. per head. There is thus a need—an urgent need for expansion of consumption of salt in India at the present time. Besides, Sir, the cattle that we have in India require some salt at least. In many provinces the cattle are fed with an ounce to two ounces of salt a day. If we consider this amount and the quantity of salt consumed for industrial purposes and calculate the average consumption per head, we will find that the average consumption per head of the Indian population is less than 8 lbs. per year. It means, Sir, that there is decidedly a great need for expansion of the consumption of salt in this country. If, therefore, the duty on salt is reduced to twelve annas, that is, if it is brought down to three-fifths, the consumption will increase at least by 50 per cent. This will give a revenue of nearly 9/10th of the present amount. (*An Honourable Member*: "Question.") My friend refuses to believe that figure, and I am afraid the most cautious figure that we could take as the minimum would be above 8/10ths, while the remaining loss in revenue

[Dr. K. G. Lohokare.]

can be made up by increasing the import duty on salt. That will make up for any loss in revenue that may occur by reducing the duty on indigenous salt to twelve annas. Sir, some people may find fault with me for suggesting an increase in the import duty on salt, but, Sir, since there are hindrances in the way of supplying Bengal with the salt which is produced in India, I do not know why we should not put more duty on imported salt which is brought into India for consumption by a certain class of people. Ordinary people do not require that kind of foreign salt, for the sake of its fineness of appearance, and if at all some persons choose to have that for its fine appearance alone, they can very well afford to pay for that luxury, since articles of luxury must be taxed more than the ordinary article. The case of poor people who require salt in large quantities is more to be attended to, and the consideration of a finer variety should not stand in their way. If some people want to use a fine variety of salt, they must pay a little more. Therefore, Sir, the revenue will not suffer at all by reducing the duty on salt from Rs. 1-4-0 to Rs. 0-12-0, and by imposing an extra duty on imported salt; while the imperative need of a freer supply of salt to poor men and cattle this country will be met without any loss of revenue. In view of these observations I think, Sir, the department will give their earnest consideration to the proposal put forward and agree with all reasonableness to the reduction of the salt duty.

**Mr. K. Ahmed** (Rajshahi Division: Muhammadan Rural): Sir, I gave notice of a motion for the reduction of the salt duty. It reads as follows:

"That in clause 2 of the Bill for the words 'one rupee and four annas' the words 'one rupee' be substituted."

It is a fact, Sir, that last year when a similar discussion was carried on in this Assembly and when this House at first reduced the duty to one rupee per maund, it was, Sir, in the Upper Chamber, with which the Government are really happy because it is composed of august Members, the elders, who are intellectually advanced as the Government may say, though as a matter of fact the Government forget that we Members in this Chamber have got a majority of elected Members and perhaps a little better ideas as well,—it was in the other Chamber, Sir, that the salt duty was again restored to Rs. 1-4-0. But the country has already said that the other House is not really representative, that it has not got a majority of elected Members there, and that is why Government by hook or by crook are always able to carry their own motions, that is why they are always successful there, and that they are not successful in this Assembly, as most Members know. Unfortunately the Swarajists, Sir, who are 46 in number, walked out the other day from this Chamber, and if they were here to-day not only would this motion of mine for the reduction of the salt duty from Rs. 1-4-0 to Rs. 1-0-0 have been carried, but perhaps even the motion of my Honourable friend from Madras to reduce the duty on salt to eight annas would have been successful. But it is a pity that they did not wait because they gave you reasons before they walked out. They have got their own reasons. I wish they were present here to-day, Sir, because in that case not only could we have effected a reduction in post-cards, but even the price of envelopes would have been reduced to the pre-war rate which we had been paying all along before 1922-23. The discussion of the Resolution regarding reduction of the postal rates was

put off because of the trick played by some Members of the Swarajist camp—particularly Mr. Chaman Lall who objected to the Resolution because it came up for discussion in the name of my Assam friend Mr. Ahmad Ali Khan. It was my Resolution, Sir, and I welcomed it. (Laughter.) I am not in a laughing mood to-day when I consider these matters. The country is not in a laughing mood. It may be that Members on the other side of the House are laughing because they get their loaves and fishes at the cost of the country and all the demands of the Budget were passed without a comma or a full stop being omitted. What happened on that day when a discussion was proceeding on the motion of Mr. Jinnah to omit Demand No. 28—"Executive Council"? What happened then?

**The Honourable Sir Basil Blackett** (Finance Member): What has that got to do with salt?

**Mr. K. Ahmed:** The Honourable the Finance Member cannot take objection. It is not surprising that they raise these points of order just now, because it has been very hard for them to meet our arguments. Sir, if the Swarajists were present, don't you think that Mr. Jinnah's motion would have been successful omitting the grant of that figure of so many lakhs? (*An Honourable Member:* "So many thousands.")

**Maulvi Muhammad Yakub** (Rohilkund and Kumaon Divisions: Muhammadan Rural): You did not vote with Mr. Jinnah.

**Mr. K. Ahmed:** If you subtract your number, your "26 machines", as my Honourable friend Mr. Mohamed Ali Jinnah said, out of the 47 votes, how many do you get? Much less than 31 votes which the Independents had secured.

**Maulvi Muhammad Yakub:** Why did you not vote with Mr. Jinnah? Where were you then?

**Mr. K. Ahmed:** Never mind where I was, let us come to the point. 46 Members have gone out of this Assembly. (Hear, hear, from the Government Benches.) It does not lie in the mouth of the other side to say "Hear, hear." My Honourable friend Mr. Bipin Chandra Pal is here. He was saying the other day that this was a widowed House. That is what it is. Now the Government are cheering so much. This motion, this debate, should have been adjourned and the business on the agenda of to-day should not have been carried on until you had 46 persons elected in the place of the Swarajists who have walked out. (*An Honourable Member:* "In time.") In time? Wait. Perhaps your salaries will not be voted. They will be kept deposited you know and you will get them with 5 per cent. interest later on. Allow me to speak about the question. If you trouble me, you will make matters more complicated and you will be bringing trouble on yourself. So, better allow me to go on with the matter in question.

Now, Sir, my motion with regard to the reduction of the salt duty from Rs. 1-4-0 to Re. 1-0-0 is very reasonable. I have not suggested that it should be reduced to 8 annas or 12 annas. What I have said is that it ought to be reduced from Rs. 1-4-0 to Re. 1. Last year, in this House, it was carried by a majority that the duty should be reduced from Rs. 1-4-0 to Re. 1, but those elderly gentlemen of the Upper Chamber—as you

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know there is not a majority there and so the Government were successful—increased the duty to Rs. 1-4-0, that is to say, to the same rate as it is now. But the grievances of the people are not over, Sir, and as their representatives, we are moving this reduction. My motion is that it should be reduced to Re. 1. That is not unreasonable. My Honourable friend was discussing this matter outside the Assembly and some people said on behalf of Government that a reduction from Rs. 1-4-0 to Re. 1 would mean a loss of about Rs. 60 lakhs. But, Sir, if you will allow me to make a speech showing the justification for the reduction, you will find that it would not be Rs. 60 lakhs or any such big amount, because the consumption of salt will be much more if you reduce the tax from Rs. 1-4-0 to Re. 1.

Now, Sir, in urging the attention of this House and the Government to consider the feeling of the people with regard to this duty, I must remind them that it is a poll tax. A tax on salt means a tax on the necessities of life, that is to say, it is a tax on poor people. The Committee of my Honourable friend sitting on my left has said that this is a tax which should not be imposed, because it is on the consumption of the ordinary poor people. Taxing foods is not proper for the Government. The condition of the country is such, Sir, that the people cannot pay high taxes any more. The condition of the people is not in any way better, and it is high time that the Government must meet the wishes of the people of the country. The dumb millions and the mute agriculturists in the villages cannot spend money and pay the present rate of duty in purchasing salt. These are absolutely necessary for the consumption of poor people. Salt is used as manure and for cattle and without it the agriculturist cannot prosper in this country. Everybody knows that the agriculturists in this country are about more than 85 per cent. of the people of India.

Now, Sir, about the salt duty. In the pre-war days, i.e., before 1914, when the salt duty was at the rate of one rupee per maund, the consumption of the country was  $5\frac{1}{2}$  crores of maunds. When the tax was raised from Re. 1 to Rs. 1-4-0 the consumption became 40 lakhs of maunds less. When it was raised from Rs. 1-4-0 to Rs. 2-8-0 the consumption became  $4\frac{1}{2}$  crores of maunds, that is to say, about one crore of maunds less than when the tax was at Re. 1. Then again, when the tax came down to from Rs. 2-8-0 to Rs. 1-4-0 the consumption became  $5\frac{1}{2}$  crores. The Honourable Members of this Assembly quite realise that the population of this country is at present larger than it was in the pre-war days when  $5\frac{1}{2}$  crores of maunds of salt were sold at the rate of one rupee per maund. And it is therefore evident that if the duty on salt is reduced to Re. 1 from Rs. 1-4-0, the consumption will increase, and thereby neither the revenue of the country will suffer nor will the Finance Member have much to grumble at.

Last year, Sir, when the Finance Bill, or a Bill to fix the duty on salt, came up for further consideration after the Bill was returned from the Council of State as that Upper Chamber, Sir, as I have already said, modified the rate of salt duty passed by this House at Re. 1 and raised it to Rs. 1-4-0, the Honourable the Finance Member on the floor of the House said that the choice of this House lay between a reduction of the provincial contribution and reduction of the salt tax as there was going to be a deficit in the current year's expenditure. This year we have got



a very small sum for the reduction of provincial contributions and as a matter of fact Bombay, Bengal and the United Provinces have not got any remission whatever. (*An Honourable Member*: "The United Provinces has.") The remission is not so much as it was in years gone by. After passing all the Demand and nearly the whole of the Budget a majority of the House thought that the argument of the Honourable the Finance Member was right. We thought that there would have been some alternative placed before us to deal with the situation and but for that the House would not have passed it. No doubt, if there were no remissions in provincial contributions the nation-building departments in our provinces would have had no money to pursue their objects. This year we have a surplus of Rs. 3.05 crores after remitting the provincial contributions to some provinces. It is therefore absolutely necessary that instead of spending the surplus lavishly on archaeological excavations and other matters which my Honourable friend from Madras has mentioned, the Honourable the Finance Member should make up his mind to reduce the duty on salt. This is more urgent than those things recommended by the Honourable the Finance Member while introducing the Budget. I hope I have made out a very strong case and that the Government have no reply: if they have any, I am sure they will give it. I appeal to every Member of this House including the European Members, the nominated Members and those on the Government Benches to vote with me in the same lobby remembering the fact that 46 of them have already deserted you. (*An Honourable Member interrupted*). You sit here as a nominated Member from year to year throughout the whole period of your life and vote with Government in season and out of season. I had better not twist the tail of Government any more if they are reasonable now. There is a surplus of Rs. 3 crores and odd before you and the people of the country do not like that you should spend that amount on luxuries without their permission, without consulting them and giving them an opportunity to give their views on the matter. We do not want archaeology. We do not want that lavish expenditure of yours on excavations. The money belongs to the country and the country must have a voice in the spending of it. If you do not allow them to do it, do whatever you like. The Taxation Inquiry Committee has already said that the salt tax is a poll tax and duties should not be imposed on the ordinary necessities of life. How far are the ordinary necessities of life obtained from archaeology! If a man dies for want of food the Honourable the Finance Member will excavate and dig ruins, raise an architecture and then bring Mr. North, or Mr. South or Mr. East or West and squander the people's money in digging it. But he will not find ways and means to give a little more salt to the people. Sir, the Government will not accept the reduction—the Honourable the Finance Member has already left the House because he feels very awkward, his position is very delicate. (*An Honourable Member interrupted*.) My Honourable friend may go on talking at the top of his voice. He laughs when he ought to cry. I am hopeless. (*An Honourable Member*: "Yes, you are hopeless.") This Honourable Member is going to show his ignorance, he is lacking in—what shall I say,—he does not eat salt. I am not going to make any more remarks but to say that you should reduce the tax from Rs. 1-4-0 to Re. 1. If you squander the money on archaeology or excavations you will really be treating the people of India very badly. What is the difficulty in your way? Instead of excavating or doing anything of that kind, reduce the

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duty on salt from Rs. 1-4-0 to Re. 1. Don't curse me because I differ from you. If you do not mend matters, if you do not realise the situation, well I shall be sorry. The laughter of my Honourable friend will have gone in the beginning of next year when the Swarajists, as they say, will come in greater numbers. There is a proverb, "Don't laugh because you will have to cry." Even if we all do not come back to the next Assembly I shall have, I hope, the opportunity of looking at your faces from the gallery. But instead of that let me ask you if you allow me to proceed—an appeal does not lie to such hard, stony hearts. If the salt tax is reduced we shall be able to meet our constituency and say that even after the Swarajists deserted us we were able to convert the Government to our views. My Honourable friend Mr. Rangachariar since he was outcasted on the 8th March last will also relish it because he will be able to tell his constituency about the reduction of the salt duty. My Honourable friend Mr. Jinnah, who was badly defeated the other day, is now smoking a cigar in the Library outside and if you don't listen he will throw away his cigar and never come.

**Mr. President:** Order, order. The Honourable Member must confine himself to the merits of the question.

**Mr. K. Ahmed:** I commend my motion for the acceptance of Honourable Members. I know, Sir, the non-officials, *i.e.*, we the elected Members, have not got the majority. I ask the nominated non-official Members to remember that they will have to go to the village. Europeans live in beautiful houses and drive motor cars in the town and say, "*Farak jao*" to the cart drivers and pedestrians.

**Mr. President:** The Honourable Member must not abuse the privileges of the House.

**Mr. K. Ahmed:** If they come in contact with these poor people, then they will know. As regards my Honourable friend who represents the Anglo-Indians, I know many Anglo-Indians in the city of Calcutta. I have had the honour to come across them and I know them more than the Honourable Member here representing them. I therefore ask him to come into the same lobby with me for the sake of the Anglo-Indians whom he represents and also induce his friend on his left to come over. With these words I move:

"That in clause 2 of the Bill for the words 'one rupee and four annas' the words 'one rupee' be substituted."

**Mr. B. Venkatapatiraju** (Ganjam *cum* Vizagapatam: Non-Muhamadan Rural): Sir, after the speeches of my three friends who moved for the reduction of the salt duty to 8 annas, 12 annas and one rupee, I think that each one of them has his own justification for making that motion. My friend Mr. Schamnad, when he moved for the reduction to 8 annas, evidently followed the suggestion made by Dr. Paranjpye in the Taxation Committee's Report that in his view it is far better that it should be reduced to 8 annas per maund and therefore his suggestion is not altogether unreasonable when the economic expert chosen by Government have come to that conclusion. My friend Mr. Lohokare's suggestion is also not unusual because there was a time in India when the assessment of the duty on salt stood at 12 annas. My friend Mr. Ahmed's suggestion that it should be reduced to one rupee is also quite correct. It tallies with

my own suggestion, because the Government Members will remember that in the year 1907 it was reduced to one rupee. It was definitely stated on the floor of this House, in the old Council, that, in order to give relief to the poorer section of the Indian population, they wanted to reduce it to one rupee. Later on, after the War, to meet the financial stringency on account of the War, they increased it to Rs. 1-4-0 in the year 1916. It is also necessary for us to see what would be the loss in case any of these suggestions are taken up. My friend Mr. Ahmed has stated it roughly but he is not quite accurate. The income, according to the accounts of 1914-15, is about 7 crores 39 lakhs, but in the revised estimates for 1925-26, they have reduced the figure to 6 crores 40 lakhs. If we were to reduce to 8 annas from 1-4-0, there would be a loss of about 4 crores. Whether our finances would be in a position to reduce to the extent of 4 crores either by reducing the expenditure or meeting the deficiency in other directions, is a problem which requires deep consideration and therefore it is not very easy for us to suggest even to the Finance Member to reduce it by 4 crores. Even if it be 12 annas it will be about 2 crores. If my suggestion to reduce it to Re. 1 is given effect to, it will give encouragement to the salt industry as well as give relief to the poor. In my motion, which I will read at the end of my speech, I add that four annas a maund should be increased on the import duty. I know there are several vested interests which would strenuously oppose any such suggestion but I am hopeful that the Government will not be a party to any such thing, because Sir Basil Blackett has said more than once, in speaking on the various proposals in the House, that not only he but also the Members of the Government of India have only one purpose in view, that is the interest of the country and the interest of India alone. Therefore it cannot be suggested that to safeguard the interest of any other persons they would sacrifice the interest of India. I do not think the Government are putting forth any such argument or would raise any technical plea in order to avoid the difficulty. Perhaps I might remind the Government of India that for a long time the duty on salt manufactured in India was one-half and at times even one-third of the duty imposed on imported salt. If you refer to the history of this duty you will find that the duty imposed on imported salt is gradually decreased while on several occasions the duty on salt manufactured in India is increased in order to make both bear the same duty. Also I do not know for what reason the Government wanted to put an import duty separately in the tariff, so that probably any such suggestion with reference to the Finance Bill might not affect the duty on imported salt. To avoid that difficulty in my motion I make the suggestion that whatever be the provisions in the tariff and notwithstanding any such provisions to the contrary, a reduction should be made on manufactured salt and an increase, if necessary, might be made on salt imported into India either by land or sea. My object is to minimise the deficiency in the Budget, because if my suggestion is adopted, according to my calculation on the revised figures of 1925-26, the deficiency would not be more than 50 lakhs. Therefore I do not see why the Government should not adopt such a course and give relief to the extent of 50 lakhs. Perhaps to anticipate Sir Basil Blackett's objection I might mention, what is possibly passing in his mind is whether on a Finance Bill I can bring in a motion for increasing taxation. I can assure him, as he knows from Parliamentary experience in England, that you can move a reduction in one place under one head and an increase under another in the same head so long as the total reduction would not be in excess of the proposed taxation.

**The Honourable Sir Basil Blackett:** Sir, as the Honourable Member has touched on this point perhaps I might at this stage ask your ruling. I do not dispute at this moment the proposition put forward by the Honourable Member but I would point out that this involves a change in the tariff schedule, an alteration in another Bill not under discussion. I would ask your ruling therefore whether this amendment is in order.

**Mr. President:** Does the Honourable Member suggest that the sum total of the suggestions made by Mr. Raju would go to increase the taxation?

**The Honourable Sir Basil Blackett:** It means increasing taxation on same individuals and reducing it for others. The net result is not an increase of taxation, but the point is that this involves an alteration in the Indian tariff which is not before the House for alteration in this Bill.

**Mr. B. Venkatapatiraju:** I might mention, Sir, with reference to the provisions of several Acts enacted here as well as elsewhere, you will have noticed the provision which I have put in here, namely, "notwithstanding any provisions to the contrary in any other enactment". And my suggestion is simply this, that as we are dealing with the salt duty, I provide that so much shall be levied on salt manufactured in India and so much on salt imported into India from outside, notwithstanding any provisions to the contrary in the tariff law. That is why I have specifically put in those words in my amendment just to avoid the difficulty which Sir Basil Blackett is feeling.

**Diwan Bahadur M. Ramachandra Rao** (East Godavari and West Godavari *cum* Kistna: Non-Muhammadian Rural): May I ask if a proposal is brought forward which does not increase the total taxation but which means an increase under one head and a decrease under the same head, whether when such proposal does not increase the total taxation it is not in order? I contend, Sir, that such a proposal is in order according to the practice elsewhere.

**The Honourable Sir Basil Blackett:** May I point out that your predecessor on this very point of order a year ago ruled the second part of the amendment to increase the duty, out of order. His ruling is at page 2521 of the debate of the 17th March, 1925.

**Mr. President:** Has the Honourable Member from Madras anything to say on the ruling given by my predecessor on this point?

**Mr. B. Venkatapatiraju:** I submit, Sir, that your predecessor on a previous occasion allowed an amendment raising the postal rates in this House. And, therefore, when there are two inconsistent rulings the Chair has got a perfect right to follow the English practice. It was in 1922, I believe, that Sir Frederick Whyte allowed us to move an increase in the postal rates. Even in the case of the Privy Council decisions, when there are two conflicting decisions, we can follow one or the other.

**Mr. President:** The Honourable Member forgets that an identical amendment by Mr. Rama Aiyangar was ruled out by my predecessor.

**Mr. K. Rama Aiyangar** (Madura and Ramnad *cum* Tinnevely: Non-Muhammadian Rural): Sir, this question deserves to be reconsidered by you and a decision given. The question is, what is the principle of this Bill. This Bill intends to impose a certain rate of duty on salt. That

is the principle of the Bill, and every amendment which goes to the principle of the Bill is within the scope of the Bill. The permission of the Viceroy is no doubt necessary in the case of extra taxation. But when this Assembly is seized of the jurisdiction of the principle of the Bill which relates to taxation on salt, the Assembly has got every right to go into the question of any excess that might be levied or any reduction that might be recommended. The question has therefore to be considered by you, and unless the Government can pitch upon any particular rule which prohibits the Assembly, once the principle is committed to it, from taking notice of it, I request that a ruling might be given in favour of the Assembly. I do not think there is any provision except the one provision that the Viceroy's permission is necessary in the event of extra taxation being proposed; and if that is the only thing on which the Government rely, the Viceroy having given permission to put this matter before the Assembly the Assembly becomes seized of it and every suggestion made by the Assembly one way or the other will be within the scope of the Bill.

**Mr. L. Graham** (Secretary, Legislative Department): Sir, I suggest that the question of relevancy taken by the last speaker is wholly irrelevant. We are not concerned now as to whether this amendment is relevant or not. What we are concerned with is whether the amendment requires the sanction of the Governor General or not. Sanction has admittedly not been asked. This is an amendment which increases taxation, which seeks to alter the tariff rates by increasing the rate of duty on salt brought into the country, and I submit that under the provisions of section 67 of the Government of India Act it requires the previous sanction of the Governor General.

**Mr. President:** I notice that an identical amendment was ruled out of order by my predecessor. The amendment proposed to be moved by the Honourable Member from Madras consists of two parts; one applies to salt manufactured in India and the other applies to salt which is imported into India, and the intention of this part of the amendment is to raise the duty on salt imported into India. The questions raised by the two parts are quite distinct and must be treated separately. There is no doubt that the second part is within the scope of the Bill but I am not prepared to say that it is in order. If I were satisfied that the two questions were really parts of one whole question, I should have perhaps ruled the amendment in order. Being not so satisfied I would follow the ruling of my predecessor in the identical case and rule this particular amendment out of order. I must add, however, that this ruling should not be treated as a precedent.

**Mr. B. Venkatapatiraju:** Sir, bowing to the decision of the Chair, I submit that I am still entitled, not to move that motion, but  
 12 Noon. to make suggestions, because when the Government complain that any suggestion of ours reduces the revenue at their disposal to meet the expenditure, and if we put forth any constructive suggestion and if on any technical plea that is not taken up either by the Government or by the Legislative Department, I submit the blame would lie on the shoulders of the Government because we have made a constructive suggestion how to minimise the loss and at the same time give relief to the poor as well as improve the industries of the country; but that does not prevent me from discussing the whole matter. Sir, I might remind the Government that the salt tax was one of those barbarous remnants which were still persisting

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in some countries. In olden days up to the Elizabethan period even a salt tax was imposed in Britain. Subsequently they felt that a thing which is necessary for physical existence, which is as bad as the poll tax, should not continue and therefore they abolished it. I ask, is it necessary, or are our finances in such a hopelessly bad state that unless you take it from the poorest of the poor who cannot escape paying taxation indirectly because nobody can live without salt, you cannot get on? And when you are raising public revenue here or elsewhere to the extent of hundreds of crores, I might say 300 crores, should we still think that it is absolutely necessary for you to maintain this tax at all? As a progressive measure, I suggested, "let us revert to the 1907 position", and I have not asked to go beyond that. I made even another suggestion of realizing one-third of the tax that you are realizing by imposing an additional duty, and it is not now possible, because there used to be a difference between the duty levied in India as well as the duty levied with reference to the salt imported into India. Now I want to suggest: have the Government seriously taken into consideration the reason why there was so much variation in the consumption of salt not only for personal consumption for human beings but for cattle and for industries in several provinces? The largest amount that is consumed is in the Madras Presidency, and it is also largely manufactured in that place. You may notice that according to the Taxation Inquiry Committee's Report, in other countries where perceptibly they do not use so much salt at dinner or breakfast, you find nevertheless in England the consumption is about 40 lbs. per head per annum, in Italy 21 lbs., in France 18 lbs., and in India, on the other hand, in the Madras Presidency you have 18 lbs. and in all other parts even down to 11, 7 or 8 lbs. per head. When you want about 40 lbs. per head in England whereas in India you can manufacture, if you think it necessary, any quantity in India instead of giving up lands which were brought under cultivation, I ask, what is the necessity for putting a heavy duty on salt manufactured in this country? What are the reasons that must have guided the Indian Government to put forth the reduction to Re. 1 in 1907? How are we different in the year 1926 so that we may not ask in these days of peace that we should revert to that taxation? The only answer that will always be made is that "It is true, as suggested even by the Taxation Inquiry Committee, that it is a measure like the poll tax which ought to be avoided, but we cannot otherwise meet our expenditure; therefore, we want to keep it at a high level". Why not take the other courses of increasing your revenues and reducing this tax on the poorest of the poor?

**The Honourable Sir Basil Blackett:** Because it is a better tax.

**Mr. B. Venkatapatiraju:** Yes, it is a better tax for persons who are drawing ample salaries, but have they ever considered the persons who have no hearths to live in, who have no clothing to wear and who have not enough to eat? Have they ever considered them? Do you ever think that it is absolutely necessary to carry on this top heavy costly administration by unduly taxing the poor? Why should you not suggest any other method? Is the statesmanship of the Government of India or their officers so bankrupt as not to be able to suggest any other course for raising even 50 lakhs? I say, Sir, it is hardly fair to the financial genius of Sir Basil Blackett; but he knows perfectly well that it is an easy course because there are the forgotten many who never complain, whose voice is never heard and who

cannot appeal to Sir Basil Blackett or to the Government of India, while the Government are playing the part of "Lady Bountiful" to the superior services. But he must realize that on account of the taxation being at Rs. 1-4-0 a sufficient quantity of salt is not given to cattle. Is he going to make any provision for the reduction of the tax in the case of salt supplied to cattle? Is there any provision made for supplying salt to the industries? I know the only industry in the case of which the duty is lower is Fisheries and also for refineries, but in other respects I do not find anywhere any intention on the part of the Government to provide means of relief for helping the people to use it in the necessary quantities for cattle and industries; and I suggest, Sir, that half of the unsatisfactory and unhealthy state of the people as well as of the cattle is due to not utilizing enough of salt. I would appeal to Sir Basil Blackett to explain the fact that in England they want 40 lbs. of salt whereas one-fourth of this quantity is believed enough for India. There must be something wrong somewhere. I do not think that Sir Basil Blackett would suggest that any large quantity of salt is used for industrial purposes in England but he cannot deny that the people are not using it in as large a quantity as is necessary for the cattle in India. However, I do not wish to prolong the discussion, but I would urge that if the Government are not prepared to bring the amendment of the Tariff Bill under the ruling of the Chair so as to increase the duty on imported salt, it lies with them to find other means; but for my part I would suggest the reduction to one rupee.

Before I sit down I would suggest the difficulties pointed out by the Administration Report of Madras for the years 1924 and 1925—and you will find it on page 5—how Madras is unable to export salt to Bengal in any large quantity as she used to do, for the reasons mentioned therein. The same reasons are adopted and accepted in the Taxation Inquiry Committee's Report. What is stated here is:

"Since 1918-19 Madras salt has found its way into Bengal in considerable quantities only when for some reason or other shipping from the West has not been regular. Thus, in 1921-22, when shipping was curtailed owing to the coal strike in England, six lakhs of maunds of Madras salt were exported to Calcutta. In the next year only four lakhs of maunds were sent and in 1923-24 there were no exports at all. During the year under report a quantity of 10,000 maunds only was consigned to Calcutta . . . It has been ascertained from the merchant that the freight per maund of salt was annas 6, that the salt did not find a ready market in Calcutta and that consequently it took about five months to clear the stock."

They say:

"It was considered that the export rules were unnecessarily rigid in some respects and that their revision might encourage the export of Madras salt to Bengal. The rules were accordingly revised last year. Under the revised rules salt may be transported in sailing vessels and the limit of wastage was enhanced to 5 per cent. of the quantity shipped. There is no indication that these modifications have been sufficient to encourage export to Calcutta and it is clear that the main obstacle to the export of Madras salt to Bengal is the cost of freight both by land and sea as compared with the cost of freight to Calcutta from the West, which is very low, as salt is very largely imported at ballast rates."

That was the view of the Madras Administration. Similarly also with reference to Bombay. When we are exporting several lakhs of maunds, facilities should be given. One complaint was also brought forward here on a previous occasion when this question was discussed by Sir Gordon Fraser with reference to the facilities given to bonded salt over the imported salt from the West; facilities might be given by opening a larger number of places and there might be less rigidity of rules,—in order to provide that the duty



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might be levied only when salt was actually sold. Similarly they suggested that railway freight should be conveniently reduced in order to provide facility for export of salt from Madras to other places; and if Bengal is in need of refined salt, a large quantity is being manufactured in Bombay and Government might help in starting similar refineries in other places. Even for the refined taste of Bengal, what it likes can be manufactured from the indigenous salt. For all these reasons, Sir, I would ask the House, whatever be its position, to press for a division that the duty should at least be reduced to Re. 1 if they are not able to reduce it to 12 annas or 8 annas at the present moment; and if necessary we may leave it to Government to bring in such an amendment of the Tariff Act in order to recover a large portion by increasing the duty on salt imported into India.

**The Honourable Sir Basil Blackett:** Sir, I know it is the religious duty of Members of this House to bring forward motions of this sort year by year. The last speaker asked me if we were so bankrupt of suggestions as not to be able to devise some better means of raising the money required. I would ask this House if they are so bankrupt in statesmanship that they must go on year after year pressing for the reduction of a tax which they recognise is on the whole a good tax and the desire to reduce which is simply an echo of an old electioneering cry which has lost all its force. (Mr. B. Venkatapatiraju: "Bureaucratic reply.") This is a political cry and not a financial one at all. The report of the Taxation Inquiry Committee shows that whatever alteration in our taxation system may be required the earliest is certainly not a reduction of the duty on salt; and I would go further. What is the use, when we have got provincial contributions at 5 crores still outstanding, of coming forward and asking for a reduction of the salt tax? At a time when those contributions are still outstanding, the effect of giving up a revenue of this sort must necessarily be to postpone the date at which these contributions are reduced. The tax now stands at the same rate as in 1921 when the Meston Settlement was framed and I think it was pointed out by Diwan Bahadur Rangachariar a year ago that it is not playing fair with the provinces to suggest a reduction of this tax while those contributions are still outstanding. The motions for reduction which are on the paper vary downwards from the highest pitched one, that of Mr. Mahmood Schamnad, for a reduction to 8 annas. The cost of the reduction suggested by the Honourable Member for the Muddiman Islands (Laughter)—Andaman Islands—would be 3½ crores in a full year and something over 3¼ crores in the current year. The next amendment by Dr. Lohokare would cost 2½ crores in a full year and something over 2 crores in the current year. The motion to reduce the tax to Re. 1 would cost about 1½ crores in a full year and about 90 lakhs in the current year. If we were able to accept the suggestion that is made in Mr. Venkatapatiraju's motion for the imposition of a higher duty on imported salt, if you assume that that would have no effect in diverting the present trade, that is to say, if the same amount of salt were still coming from abroad, the net effect would be a loss of 45 to 50 lakhs, but the probable effect would be a considerable diversion of trade, so that the loss would be larger, up to something approaching nearly 90 lakhs this year. That is the cost of reducing the rate from Rs. 1-4-0 to Re. 1. (Mr. K. Ahmed: "Question.") Why is it a question? All those estimates assume that there would be no important increase in the total consumption. There is not the slightest foundation for the belief that



there would be any important increase in the consumption, certainly not that it would be at all rapid. Therefore, the position with which we are faced is that if any of these amendments are carried we are so much short of our finances for the year. If the first amendment of Mr. Mahmood Schamnad is carried, I would suggest we should meet it by postponing the reduction of provincial contributions this year and by omitting paragraph 3 of the Bill. That would just about enable us to meet the cost of reducing the salt tax to 8 annas; that is to say, we should postpone the abolition of the cotton excise duty and postpone relief to the provinces. We can meet Dr. Lohokare's by omitting paragraph 3, that is, giving up the abolition of the cotton excise duty, and by reducing the relief to the provinces by about half of the present figure. The reduction to Re. 1 can be met simply by giving up our proposal to grant relief to the provinces. That is the simple position as it is before the House. Now, let us just consider what is the value to the poor man about whom our elected representatives wax so eloquent. What is the value to the poor man of the reduction of the salt duty by 4 annas? It amounts to three-fifths of an anna per head per annum throughout the year, three-fifths of an anna per head; possibly three annas per family throughout the year. Does the House really think that it is better to do that than it is to reduce provincial contribution by 1½ crores? If we had that sum to spare, are there not a great many ways in which we could spend it better—and I would go further—which our electors would agree as being better than this? The idea that the elector will not elect anybody unless like my friend Mr. Kabeer-ud-Din Ahmed he waxes eloquent about the salt tax seems to me to show the duty which the Members owe to their constituents to teach their constituents to recognise . . . .

**Mr. K. Ahmed:** Is there any chance for you to get elected even in England?

**The Honourable Sir Basil Blackett:** The Honourable Member has shown that he is a successful electioneerer. But I must say there are occasions on which one wishes that during the last year of the Assembly when he is electioneering, he would do it elsewhere than in this House.

That is the position before the House, and the Honourable Members can have the reductions if they are prepared to pay for them. I come now to the last point. Mr. Venkatapatiraju always raises this question of raising the import duty. As he will see, the Taxation Inquiry Committee proposes that it should be further examined, and we have every intention of following up the proposal of that Committee during the current year with a view to considering whether it would be advantageous to raise the import duty. We have during the course of the year done something to meet the difficulties which were mentioned last year. For instance, we have arranged for salt coming by railway to be bonded on arrival; and other matters of that sort have been explored; but there is a good deal to be said before you decide that it is desirable to raise the rate of import duty on salt. As the Taxation Committee say, it is desirable that India should be made self-supporting in the matter of salt supply if this end can be secured by the granting of a strictly temporary advantage to the local manufacturer. The doctrine of discriminating protection comes in here just as in other cases of protection. Undoubtedly the first effect of raising the import duty on salt would be to raise the cost of salt and

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reduce the quality of salt supplied in Bengal. At any rate it would raise the cost of it and Honourable Members who talk so much about the poor man having to pay heavily for his salt would no doubt feel that even a temporary increase in the cost of salt to the people of Bengal was a thing which had to be carefully considered. But I am quite willing to agree that if by a temporary addition to a duty of that sort you can make India self-supporting in the matter of salt, there would be an advantage. But it always remains true that you do not advantage a country by making it completely self-supporting in a particular article if the result of your action is that it is producing at a greater expense to itself a particular article instead of importing it, whereas it might be producing an article which it is better adapted to produce and exporting that in payment for the import which it is not so suited to produce. But the matter will be explored during the year in the light of the Taxation Committee's proposals; and if it is found that real advantage can be secured by only a temporary increase of the price, then undoubtedly the Government will be quite willing to accept the suggestion.

**\*Diwan Bahadur M. Ramachandra Rao:** Sir, I regret very much that the Finance Member began his speech by saying that this annual debate on the salt tax is a political cry or an election cry or some remark to that effect. It seems to me that I cannot accuse my Honourable friend of ignorance of the past history of this subject. He knows very well that every proposal that has been brought forward to-day, namely, the reduction to 8 annas, the reduction to 12 annas and a tax of one rupee, has been adopted as a tax in previous years. Therefore, taking the proposals that have been made to-day, Honourable Members will find that there is sufficient justification for all these proposals in the past history of the subject.

**The Honourable Sir Basil Blackett:** Not under the present financial conditions.

**Diwan Bahadur M. Ramachandra Rao:** That is quite a different matter. But when my Honourable friend proceeds to say that our proposal is an election cry, it seems to me that he has entirely forgotten that these identical proposals were adopted by the Government in past years and in the financial circumstances of those years. Therefore, taking the proposals in themselves, there is nothing inherently political about them; nor, looking at the fact that these various proposals for the reduction of the salt tax have been discussed for thirty or forty years, is there any justification for saying that there is anything peculiarly electioneering about the proposal that has been made this year. I may inform the Honourable the Finance Member that whatever may be the financial circumstances of this year, it is quite the feeling in this part of the House that these proposals should be brought forward not only this year but in all future years, till we reach the very lowest minimum of the salt tax that is advisable or that is possible in the financial circumstances of the Government of India. I may also say that the debate this year is somewhat valuable from the conclusions of the Taxation Inquiry Committee which undoubtedly my Honourable friend will have to deal with in the course of the next financial year. It is quite true that the Honourable Member will have

to re-examine the whole of our taxation system during the course of the next financial year in view of this Report; and if we are saying anything at all on this side to-day it is entirely to persuade him to see whether some of the ideas which have been ventilated in this House for some years in regard to the salt tax, can, in view of the conclusions of this Committee's Report, be adopted by my Honourable friend. It is only in this view that I wish to say one or two words.

Honourable Members will see that the authors of this Report come to the conclusion that:

"even granted that it has not had that effect, the three annas per head per annum, which is what a duty of Rs. 1-4-0 a maund would roughly represent, may involve a hardship in the case of the very poorest."

That is the finding of that Committee. There is no doubt therefore that even a salt tax of Rs. 1-4-0 as it stands at present may involve, according to the authors of this Report, a hardship to the very poorest in India. That is quite clear on the findings of this Report. Therefore, when we are urging that this hardship should be mitigated in the way we are suggesting, there is nothing really unreasonable about such a proposal. Then the Committee proceed to classify the various classes of persons at page 340 of this Report, where they divide the community into urban labourers, the landless agricultural labourers, and then, taking the landed classes, into the small holder, the peasant proprietor and the large landholder: then, taking the trading classes, into the petty trader, the large trader and the big merchant class: then, the professional classes, and so on. They thus classify the communities in the country into five or six classes, and the very poorest of these communities, who, according to the authors of this Report, should have a priority in the matter of relief of taxation, are these unfortunate landless agricultural labourers and urban labourers. They have an order of precedence in the relief of taxation, and they place these classes, namely, the landless agricultural classes, agricultural labourers and the urban labourers, at the head of persons who are entitled to relief of taxation in the first instance.

Then again, Sir, at page 340, they discuss the incidence of taxation under various heads, namely, salt, customs duties, excise duties, kerosine, municipal taxes, and then they reduce the incidence of taxation with reference to each of these, and they come to the conclusion at page 359—I will read this portion of the Report with the permission of the House,—that:

"in the manner of relief of taxation, preference should, in the Committee's opinion, be given to the poorest classes whose burden has not, as will be seen from the figures in the preceding Chapter, been relieved to the extent that is sometimes supposed, although there is no doubt that wages have risen considerably."

Therefore it is quite clear . . . .

**Mr. A. H. Lloyd** (Member, Central Board of Revenue): Please read the next sentence.

**Diwan Bahadur M. Ramachandra Rao**: My Honourable friend need not at all be afraid that I will omit anything. Therefore, what I am trying to convince Honourable Members opposite of is this, that the persons who ought to receive relief are the very poorest classes in the community; secondly, even a duty of three annas per head of the population

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may be a hardship to these classes. Then the question as to what the relief should be is discussed. I shall now read the paragraph which Mr. Lloyd is anxious about:

"The tax through which relief could most easily be given is of course the Salt tax, and Dr. Paranjpye would advocate that that be reduced, but in the opinion of the majority of the Committee"

—and in all Committees there is always a minority and a majority report, and it is for this House to judge which holds the sounder view . . . .

**The Honourable Sir Basil Blackett:** That is the view of Dr. Paranjpye.

**Diwan Bahadur M. Ramachandra Rao:** He did not advocate this in connection with elections or merely for raising a political cry; at any rate he did not do so when he wrote this Report . . . .

**The Honourable Sir Basil Blackett:** I am not quarrelling with that.

**Diwan Bahadur M. Ramachandra Rao:** My Honourable friend cannot dismiss this lightly as he seems inclined to do. What the Committee says is:

"in the opinion of the majority of the Committee, this would not be a suitable measure in present conditions for the reasons that the rate is already so low that the burden of it is extremely small, and that changes in the rates are greatly to be deprecated on the ground that they are apt to cause reduction in the Government revenue out of all proportion to the benefit received by the people. The Committee therefore fall back upon the next indirect tax on general consumption, namely, the customs duties on conventional necessities, such as sugar, kerosine oil and matches".

So that, Sir, the position is this. The politically-minded class in this country for the last thirty or forty years have many times, not only in this House but even outside it, advocated the reduction of the salt tax, not in their own interests, but in the interests of the very poorest classes referred to by the Taxation Inquiry Committee, and in putting forward the various proposals to-day, we are really discharging a duty which we owe to the poorest classes. We do believe that the tax on salt does affect them, in fact the Taxation Inquiry Committee itself does not deny that it does affect the poorest classes in certain "circumstances. The whole question is that even their recommendations are hedged in by these words "in present conditions." I do not know what they mean by those words "in present conditions", but I take it that they mean in present financial conditions.

**The Honourable Sir Basil Blackett:** We are only dealing with the present conditions in this Budget.

**Diwan Bahadur M. Ramachandra Rao:** That is quite a different matter. I do not know whether the Taxation Inquiry Committee had any particular Budget in view in making these recommendations. Therefore, I cannot understand those words "in present conditions", but any way we see what Dr. Paranjpye advocates in regard to this matter. The majority of the Committee make a qualified recommendation that the tax cannot be reduced in present conditions, and therefore the debate to-day is intended more or less to place before the Finance Member the opinion of this House

that, in giving effect to the recommendations of this Committee, this question, which has become an annual feature of our debates in this House for the last thirty or forty years looking back to the old debates, requires very careful consideration at the hands of the Government of India. My Honourable friend has always been telling us whenever the question of provincial contributions was raised: "Oh, look here, you will not get any provincial contributions" . . . . .

**The Honourable Sir Basil Blackett:** Would you not do so if you were the Finance Member?

**Diwan Bahadur M. Ramachandra Rao:** Yes, we would do so by a re-adjustment of the whole system of taxation. Whenever any proposals are brought forward, my Honourable friend always tells us "Look here, you get your provincial contributions". That is not the way to deal with this question at all. We are anxious to get our provincial contributions. On the last occasion we suggested that the abolition of the cotton excise duty should be undertaken and that provincial contributions also should be given. My Honourable friend has found money to give something, and I may assure him that we are not at all satisfied with what he has done. Taking Madras, I see from the papers that with a provincial contribution of 57 lakhs, they are hardly able to tide over their financial difficulties. This year they have, I suppose, a balance of six lakhs of rupees out of the 57 lakhs. So far as the provincial contributions are concerned, we are as keen, even much keener than we were last year, and I hope, Sir, that now that he has a fine opportunity, we shall have the benefit of his services in having a readjustment of the whole of our taxation system to produce the necessary results in the future. Whether these proposals will be acceptable to us is quite a different question. That depends upon the exact proposals which you will make. Therefore, Sir, I think there is a case for the reduction of salt duty at least to one rupee. Of course my Honourable friend is a very cautious and careful man and he will not commit himself to anything unless it is absolutely necessary,—but I trust he will consider the whole of this question of the reduction of the salt tax in a sympathetic spirit. It is true that this is one of those very few taxes which will go to the very poorest, but I think that in giving relief of taxation, it is perfectly right, as has been pointed out here, that that relief should go to the poorest classes.

**Mr. S. C. Ghose** (Bengal: Landholders): I move, Sir, that the question be now put.

The motion was adopted.

**Mr. President:** The question is:

"That in clause 2 of the Bill for the words 'one rupee and four annas' the words 'eight annas' be substituted."

The motion was negatived.

**Mr. President:** The question is:

"That in clause 2 for the words 'one rupee and four annas' the words 'twelve annas' be substituted."

The motion was negatived.

**Mr. President:** The question is:

"That in clause 2 of the Bill for the words 'one rupee and four annas' the words 'one rupee' be substituted."

The Assembly divided:

AYES—19.

Ahmad Ali Khan, Mr.  
Ahmed, Mr. K.  
Aiyangar, Mr. K. Rama.  
Alimuzzaman Chowdhry, Khan  
Bahadur.  
Das, Mr. B.  
Deshmukh, Mr. R. M.  
Ghose, Mr. S. C.  
Gour, Sir Hari Singh.  
Hussanally, Khan Bahadur W. M.

Jeelani, Haji S. A. K.  
Joshi, Mr. N. M.  
Lohokare, Dr. K. G.  
Mahmood Schamnad Sahib Bahadur,  
Mr.\*  
Mutalik, Sardar V. N.  
Neogy, Mr. K. C.  
Pal, Mr. Bipin Chandra.  
Ramachandra Rao, Diwan Bahadur M.  
Talatuley, Mr. S. D.  
Venkatapatiraju, Mr. B.

NOES—43.

Abdul Qaiyum, Nawab Sir Sahibzada.  
Abul Kasem, Maulvi.  
Ajab Khan, Captain.  
Akram Hussain, Prince A. M. M.  
Bajpai, Mr. R. S.  
Bhore, Mr. J. W.  
Blackett, The Honourable Sir Basil.  
Bray, Sir Denys.  
Burdon, Mr. E.  
Calvert, Mr. H.  
Clow, Mr. A. G.  
Cocke, Mr. H. G.  
Crawford, Colonel J. D.  
Dalal, Sardar B. A.  
Donovan, Mr. J. T.  
Gidney, Lieut.-Colonel H. A. J.  
Gordon, Mr. R. G.  
Graham, Mr. L.  
Hezlett, Mr. J.  
Hira Singh Brar, Sardar Bahadur  
Captain.  
Hudson, Mr. W. F.  
Innes, The Honourable Sir Charles.

Jatar, Mr. K. S.  
Lamb, Mr. W. S.  
Lindsay, Sir Darcy.  
Lloyd, Mr. A. H.  
Macphail, The Rev. Dr. E. M.  
Mitra, The Honourable Sir Bhupendra  
Nath.  
Muddiman, The Honourable Sir  
Alexander.  
Neave, Mr. E. R.  
Owens, Lieut.-Col. F. C.  
Rahman, Khan Bahadur A.  
Raj Narain, Rai Bahadur.  
Rau, Mr. P. R.  
Roffey, Mr. E. S.  
Sams, Mr. H. A.  
Singh, Rai Bahadur S. N.  
Stanyon, Colonel Sir Henry.  
Tonkinson, Mr. H.  
Vernon, Mr. H. A. B.  
Vijayaraghavacharyar, Sir T.  
Wajihuddin, Haji.  
Willson, Mr. W. S. J.

The motion was negatived.

**Mr. President:** The question is:

"That clause 2 do stand part of the Bill."

The motion was adopted.

**Mr. President:** The question is:

"That clause 3 do stand part of the Bill."

**The Reverend Dr. E. M. Macphail** (Madras: European): Sir, when a Resolution was moved last September that the cotton excise duty should be suspended, although I have all along disapproved of the cotton excise duty I stated that I was unable to support the motion because I considered that justice comes before generosity and that it was the duty of the Government to meet the grievances of Madras before being generous to the Bombay millowners. For that reason I did not take part in the vote last year. I do not intend on this occasion to oppose the passing of this clause for two reasons. First of all, the matter is settled and consequently there is no use in fighting against it, and secondly, we have

had a further instalment given to us in Madras, and the tone of the speeches of the Honourable the Finance Member, both in another place and in this House, has been so sympathetic that I feel certain that, as opportunity arises, he will continue to see that we have justice done to us in Madras. If there were one thing that would have made me oppose this motion, it would have been the way in which some of the Honourable Members from Bombay have spoken. The suggestion has been put forward that we have been receiving exceptionally favourable treatment in Madras whereas we consider that during the past few years crores upon crores have been taken out of our pockets which should have been allowed to be spent upon our own schemes in Madras. As, however, I am perhaps the only Member in this House or one of a few Members in this House who remembers the original imposition of the cotton duties and the original imposition of the cotton excise, I should like to make one or two remarks upon this event as being a kind of land-mark. First of all, I think that it is a land-mark in this way that it marks clearly the possession by India of fiscal autonomy. Reading the Fiscal Commission's Report I remember that the members there who were opposed to the continuance of the excise duty were so very largely for sentimental reasons. They considered that the imposition of this cotton excise duty marked the subjugation of India and marked the subjection of Indian fiscal interests to those of Lancashire in particular. I should like to say one thing in connection with this, that although personally I disapproved of the imposition of the cotton excise duty when it took place in the early nineties, I think it desirable that Honourable Members should remember that the people who imposed that duty were honest free traders. They considered that free trade was the best policy for their own country and that it was the best for other countries also and that, in insisting that the excise duty should be imposed here, they did nothing more than what they saw being done every day at home where they had excise duties countervailing import duties. The second way in which it is a land-mark is that I think it marks definitely the giving up of free trade by India. The cotton excise has already no doubt ceased to be a real free trade duty. It has been kept on simply and solely latterly for purposes of revenue. But the fact that it has been given up indicates, I think, the abjuration of India of anything of the nature of free trade as a policy for the time being. I say for the time being, because I have been interested to notice in the time that I have been in this House that already there are murmurings amongst those persons who are beginning to feel protection pinch them. Two years ago, when protection was brought in in connection with the Steel Bill, there were only one or two gentlemen who sat on the opposite Benches who ventured to say a word in favour of free trade. But every now and again I have noticed that in cases where particular interests are affected there has been a certain tendency to murmur at the imposition of protection. The last point that I wish to refer to is the fact that the abolition of this cotton excise duty is an indication of the abandonment of the attack upon the western industrial system which was so vigorous a few years ago. This abolition of the cotton excise duty is the abandonment of protection for the spinning wheel and the handloom. This duty has been the means of giving a certain amount of protection to these things, but by its abolition it means that those gentlemen who were in the habit of attacking all western industrialism and associating it with all kinds of

[Dr. E. M. Macphail.]

evils which were also connected with Government, have given up that idea and are now prepared to see India become industrialised. I congratulate the Bombay millowners upon their victory, and all that I can say is that I trust that all the benefits that are expected to accrue from the abolition of the cotton excise duty may do so and in particular I trust that the profits resulting from it will not find their way into the pockets of the shareholders but will be distributed to the consumers.

**Mr. B. Das** (Orissa Division: Non-Muhammadan): Sir, I do not know the name of that Finance Member who levied this cotton excise duty on the people of India. Nor do I care to know it. Sir, for years the people of India have groaned under that ignominious and iniquitous tax. If Sir Basil Blackett's tenure of office is notable for one thing more than another it will be ever remembered that he was the Finance Member in whose regime this iniquitous tax was done away with. I know that his administration will also be remembered for various other things that he has done, but with that I am not going to deal. My Honourable friend, Dr. Macphail, of course remembers when this tax was levied, and he told us just now on the floor of this House that it was levied with a view to give protection to the handlooms and the spinning wheels . . .

**The Reverend Dr. E. M. Macphail:** Excuse me, Sir, for interrupting the Honourable Member. I never said anything of the kind. What I said was that it had that effect. I never said that it was levied with that intention.

**Mr. B. Das:** It is all the same. (*Some Honourable Members:* "No, no.") I understood it in this way that its effect was going to improve the condition of the spinning wheel and the handloom industry in India. But the successive Governments and successive Finance Members never expressed that sentiment, while on the other hand they admitted that this was an iniquitous tax (*An Honourable Member:* "No."), and that it was to raise more revenue, to meet the greater demand on them that they were perpetuating that tax. However, I am very glad that the time has come when we will have to forget that we were a subject nation, and that any system of poll tax could be levied on us. I am glad that the time has come when this invidious tax is going to be taken off from the Statute-book altogether and on that I congratulate the Honourable the Finance Member.

**\*Maulvi Abul Kasem** (Bengal: Nominated Non-Official): I also join my Honourable friend, Mr. Das, in congratulating the Honourable the Finance Member not only on the abolition of the cotton excise duty but for bringing the finances of India into a very satisfactory condition which has made it possible for him to abolish that duty. But in this connection I have got one observation to make. Dr. Macphail at the close of his speech said that he hoped that this removal of the cotton excise duty would result in the money going into the pockets of the consumer. I am afraid that it will not be so and it cannot be so as long as our tariff remains as it is to-day. The cotton excise duty, as has been mentioned, was introduced as a countervailing duty in order to protect the interests of the foreign manufacturer and it was admitted as a bad tax and an agitation was

\*Speech not corrected by the Honourable Member.



carried on for its abolition for a long time and it has been going on since then. The Government from time to time would not defend the tax, but at the same time could not remove it for financial reasons. The next best thing that they could do was to raise the import duty on foreign piecegoods that were brought into this country, and I think the import duty went higher and higher. Now that this cotton excise duty has been abolished, and rightly so, I think the consumer can reap the advantage of it only if the import duty is also correspondingly reduced. (*Some Honourable Members*: "No, no.") It may be to the interests of the manufacturers and the industrial magnates to say 'no', but, Sir, I think it is the duty of Government to make the necessary arrangements so that the people of this country, the poor people for whom so much crocodile tears are shed in this House, do really get some benefit, that they get the necessities of life supplied to them at the cheapest possible cost. I do not mind your taxing silk, or gold or motor cars and things of that kind, but ordinary wearing apparel is as much a necessity of life as food and therefore Government should provide facilities that these necessities of life may be available to the people of the country at the cheapest possible price. (*Mr. B. Das*: "What about salt?") Yes, Sir. We have been hearing this morning about the reduction of 4 annas in the amount of the salt duty. If that reduction had been carried, it would have only added a few more rupees to the coffers of the salt dealer and not the consumer and it was for that reason that I did not vote for it. This House talks so much about the poor people, the agriculturists, the dumb millions. The dumb millions have got in this House very eloquent advocates, but if we see the results of our discussions and deliberations we always find that it is the industrial magnate and the capitalist that has the full benefit of the Legislature and the Government with reference to our tariff policy. Sir, while supporting wholeheartedly the Honourable the Finance Member in the present Finance Bill I would appeal to him that when he has an occasion to consider our fiscal policy again he will consider the question of reducing the import duty on piecegoods and cotton cloths, whether we get them from Japan or Manchester. I have been told that Government do not want to reduce it because the competition to-day is not between Lancashire and India but between Japan and India. I am not interested either in Japan or in Lancashire. (*An Honourable Member*: "Or in India.") I am interested in the poor agriculturist and he has to pay a very high price for his ordinary wearing apparel. I have been told that the mill industry ought to be encouraged by protection and even by taxing the people. But it cannot be said that the Bombay mills are infant industries that require protection. During the days of the War and during the anti-partition days of Bengal the shareholders of the Bombay mills made huge profits out of the patriotism of the people. I do not grudge them their present good fortune, but I would appeal to them to make some concession in favour of the consumers. I am afraid I cannot trust to their charity; but we must have some protection for the poor consumer and he will get it only when the import duties are reduced.

**The Honourable Sir Basil Blackett**: I come to bury Caesar, not to praise him. I will not therefore be misled by any of the speeches that have been made to-day into defending the duty whose demise we are here rejoicing at, or repeat some of the phrases that have been used in this connection. Whatever its merits, it is a historically unjustifiable tax and that is all we have to say about it. I do not wish to delay the House

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over it further, but I do want to draw their attention to the fact that we are here in a sense performing a historic act. We are getting rid of what has been described as a historic wrong, and I hope that that will be taken by the House and by the country as an indication of the possibilities that lie in the Reforms when all those who are working for India will work together for her good.

**Mr. N. M. Joshi** (Nominated: Labour Interests): Yesterday, when the Honourable Member for Ahmedabad made a speech thanking the Government, the Honourable the Finance Member, His Excellency the Governor General and the non-official Members of this Assembly, I thought, Sir, he was not doing justice. I felt that he was thanking those people who really did not deserve the thanks of the millowners of Bombay and Ahmedabad. If His Excellency the Governor General, if the Honourable the Finance Member, if the Government of India and if the non-official Members of this House could have removed the duty, they would have done it earlier but, Sir, these people had to wait for the removal of the duty in order to see that 150,000 workers of Bombay were put to great hardships for three months. Therefore, if there was any party which ought to have been thanked by the Honourable Member from Ahmedabad, it was not the Government of India, it was not the non-official Members of this House, but the party was the 150,000 workers who suffered great starvation and great hardships for nearly three months in the city of Bombay.

**Mr. Bipin Chandra Pal** (Calcutta: Non-Muhammadian Urban): Made to suffer.

**Mr. N. M. Joshi**: That is the greatest danger of this policy. I know very well that the circumstances under which the excise duty was removed constitute a great danger for the mill workers in this country. If the cotton excise duty had been removed voluntarily by Government I would have been pleased but the circumstances are really dangerous for the mill workers. For the last few years, the millowners of this country, especially the employers in the textile industry, have been using the workers in order to secure their ends. When they wanted the cotton excise duty to be removed and they could not get Government to do it, they thought they might use the workers in order that the cotton duty might be removed. The millowners may want certain other concessions hereafter. I know they want the import duty on Japanese goods to be increased. I always feel that the mill workers in Bombay may be again used by the millowners in order to put pressure upon the Government of India to raise the import duty on Japanese goods. I am not therefore quite happy on account of the circumstances under which the excise duty has been removed. Then, Sir, the Honourable European Member from Madras said that the removal of this duty meant a land-mark for the several reasons which he gave. Sir, to me also it is a land-mark and for one reason, and that reason is that the Government of India have made it clear now that whenever they have a surplus that surplus will be used not for reducing a duty like the salt duty which falls upon the poorest people in this country but that surplus will be used for giving relief to the rich communities of this country. Sir, that is the lesson of the action of Government in removing cotton excise duty before they had removed from their Statute-book a tax like the salt tax.

**Mr. M. A. Jinnah** (Bombay City: Muhammadan Urban): Sir, it is many years ago when I happened to be a student in England that I got acquainted first with this obnoxious excise duty which was imposed upon the cotton industry in India. I remember it very well. At that time Lord George Hamilton was the Secretary of State for India. He happened to address his constituency and he made a declaration which was based on just and equitable principles and he maintained that it would be wrong to impose an excise duty on the cotton industry of India. Within a very few days after he made that speech, the members from Lancashire and Manchester in the Commons at the point of the pistol threatening to defeat the Government made him make a different speech. The act was accomplished. It created a profound impression upon me and I felt how India's interests could be sold in order to maintain the Government in power in Great Britain. That wrong was continued and was continued up till the moment when the Finance Member got up and definitely declared that this cotton excise duty was dead. Its corpse was buried. Let us now give it a decent funeral. Well, Sir, although this wrong has been righted to-day after such a long time, yet it was maintained all these years although it was morally wrong, historically wrong and politically a blunder. But it has been righted to-day and I must therefore recognise the efforts that the Honourable Members of this House made on behalf of this industry more than once in putting pressure upon the Government. I quite realise that the strikers played a very important part and I fully realise the point which Mr. Joshi made. But, Sir, it is in the Anglo-Saxon blood that no wrong is to be righted unless those who are wronged are made to suffer and at times made to shed even blood. Unless that is done, a real impression is not created on the minds of the Anglo-Saxon race. I hope that they will learn a different lesson in this country and not compel this country to resort to these extreme measures and then grant relief. I do not wish to enter into the question of the policy of protection. That stands on its own merits and whenever that question comes up I have no doubt the House will be in a position to deal with it. I do not also wish to deal with the question of relief to those countrymen of ours who are poor, who are workers. I for one shall be always ready, as far as it lies in my power, to help to alleviate their lot. I therefore on behalf of Bombay cannot sit down without recording my appreciation of the action of the Government in this matter. I hope that this will not be the last move of the Government and that they will realise that whenever they do a good act, a beneficial act, we on this side of the House readily appreciate it, and we have no hesitation in saying that we congratulate the Finance Member, who represents the Government. I have no doubt that he has played his part; we appreciate his endeavours in this behalf and I have no hesitation in saying that we thank him for it.

**Mr. Kasturbhai Lalbhai** (Ahmedabad Millowners' Association: Indian Commerce): Sir, Dr. Macphail has brought in protection and free trade in the discussion of the abolition of the cotton excise duty. Had he been in this House to listen to the frequent debates that have taken place on this subject of the cotton excise duty he would have found out that we never claimed the abolition of the cotton excise duty on the principle of protection or free trade, but we based our claim on sheer justice and justice alone. Sir, much has been said about the poor consumers. May I tell Honourable Members that the reduction in prices of piecegoods during the recent months has been nearly 20 per cent., and much of that has been due to the abolition of cotton excise duty. We were able to sell

[Mr. Kasturbhai Lalbhai.]

our goods which were not moving till the months of November and December at a price that was not even a squaring proposition, only because the cotton excise duty was abolished. Again my friend Mr. Joshi has referred to the workers having been sacrificed for the sake of the employers. Conveniently Mr. Joshi has forgotten that ten big mills had closed down before the Bombay millowners were obliged to announce a cut of  $11\frac{1}{2}$  per cent. in the wages, and but for this cut it is very doubtful whether almost all the mills would not have been obliged to close down one after the other because of the great depression in the trade. I am not here prepared to go into the merits of the strike, but I may be pardoned for saying that Mr. Joshi is starting on the wrong theory of Labour and Capital interests being anything but identical. I say, Sir, that the interests of labour and capital ought to be identical, and unless they are, it will be very very difficult for our country to advance industrially, materially or socially. Sir, I fully recognise that the strike and the sufferings of the work people of Bombay have played a very important part in the abolition of the cotton excise duty, and we are all the more sorry that the Government did not see their way to announce the abolition of this duty until these 150,000 work people had suffered privations for nearly two months. Sir, I once more thank the Honourable Members, non-official Indian and European Members, for the kind courtesy with which they have listened to the various debates that took place in this House and for their vigorous advocacy of the abolition of the cotton excise duty. I also thank the Honourable the Finance and Commerce Members, who have had the good fortune of announcing the abolition during their term of office. Our thanks, as I said last evening, are also due to His Excellency the Viceroy, who will soon be retiring, for announcing the abolition of the cotton excise duty. (Applause.)

**Mr. President:** The question is:

"That clause 3 do stand part of the Bill."

The motion was adopted.

Clauses 4, 5, 6 and 7 were added to the Bill.

**Mr. President:** The question is:

"That Part I of the Schedule do stand part of the Bill."

**Mr. K. Ahmed:** Sir, I move:

"That in Schedule I to the Bill, in the proposed First Schedule to the Indian Post Office Act, 1898, for the entries under the head 'Letters' the following be substituted:

'For a weight not exceeding one tola ... Half an anna.

For a weight exceeding one tola but not exceeding two tolas and a half ... Three quarters of an anna'."

Sir, in moving this motion I would remind the Government that it was only last month, on the 9th February last, that I expatiated on the Resolution for the reduction of postage on postcards and on letters. There, Sir, I clearly placed before the House the fact that there is ample profit, and from the actuals of the Budget for the last financial year it appears that the profit was Rs. 29,28,100 from the Postal Department, including the sale of postcards, and from letters. I think that fact will be admitted by the Government. I also told them not to mislead the

House by the trick of mixing up the telegraph, and telephone branches with the post office. Sir, as far as letters and postcards are concerned, there is ample profit derived from their sale and a reduction is absolutely necessary. I said further, as Sir Charles Innes has pointed out, that the Postal Department is a commercial department and it has not been run on businesslike methods like a commercial concern ought to be run. My motion, Sir, is quite a modest one, namely, to fix the price for letters at 9 pies instead of one anna when the weight is over one tola but less than two and a half tolas, and six pies for less than one tola. Here I am proposing the pre-war rate and nothing more. I suppose, Sir, if this is adopted, the Government will lose, roughly speaking, a few lakhs of rupees. (*An Honourable Member*: "How many?") It is probably less than 50 lakhs, probably it may be 35 lakhs, or it may be very close to that figure. It is for the Department, who are in a position to deal with the statistics, to state the exact figure, but I hope they will not mix up and shuffle all three cards—telegraphs, telephones and postage. They have been shuffling all three cards in order to show that they have got a Department of "Telegraphs, Telephones and the Post Office". Of course they show from their statistics that there is a loss of Rs. 60,000 every year when they give us the figures of their profit and loss with regard to telegraphs, telephones and postcards and envelopes together. But, Sir, apart from the telegraphs and telephones, if you take the postages on postcards and envelopes alone, if they are only taken together, Sir, there is a profit of Rs. 29,28,100.

**Mr. H. A. Sams** (Officiating Director General of Posts and Telegraphs): Which year?

**Mr. K. Ahmed**: You have given that figure before the Standing Finance Committee. If that is so, Sir, we are in a position to demand from you that you must accept the motion by reducing the rate to 9 pies for what you charge one anna and for a weight of one tola half an anna; that is the pre-war rate, that is to say, what you charged before you increased the rate in 1922-23. I went into the matter, Sir, on the 9th of February but the Honourable Sir Bhupendra Nath Mitra in his reply gave a one-sided answer. He never tackles the questions straight, he never gives answers straight; but, Sir, he probably got some answer written out without meeting the arguments that I raised on the 9th February and he gave a stereotyped, one-sided answer. That was not fair dealing, Sir, at his hands with regard to my motion. Now, Sir, let us see what was said last time. I said this:

"Since the rates on post-cards and envelopes were increased, the Government had an additional revenue of about Rs. 1½ crores. But then thereafter one-fifth of the post-cards and one-fifth of the letters and envelopes have been reduced in sale from the post office list. On a comparison of the postcard figures of 1922-23 and 1921-22, and the figures of 1923-24, for which we have got actuals, and taking also the revised estimates of 1924-25 into consideration for postcards, it will be clear that postcards have fallen off in numbers from one million and one million and a half. Ordinarily, before 1921-22, if you take the figures for ten years you will find that the total number of postcards had been steadily increasing, so much so that the average increase of the Postal Department, although there was no change in the taxation, came to 30 lakhs extra. But since 1922-23, when the rates on postcards and envelopes were doubled, it has steadily fallen except that now, taking all postal articles into consideration, there is an excess of 1 per cent. and odd only in postal articles ultimately. So by reduction, you will increase the sale of the number of postcards and envelopes. And since it is a commercial department, you must give credit to it and allow reduction without any further delay. The sooner it is done, the better it is both for the people and the Government."

[Mr. K. Ahmed.]

That is quite clear. Now, Sir, am I not justified in asking, and is it not fair for the Government to treat the matter from a commercial point of view just as a business man would do? What is the use of your shuffling the three cards, that is to say, Telegraphs, Telephones and the Postal Department, and showing us the tantalizing figure of a loss of Rs. 60,000? If it is your luxury to have telegraphs and telephones, certainly for this luxury you should not realize from the poor people 6 pies instead of 3 pies for postcards and in the case of a letter weighing much less than one tola realize one anna instead of half an anna, while you charge only one anna for such a big weight as  $2\frac{1}{2}$  tolas. Is it businesslike, is it commercial? Sir, I submit that this motion is a fair one for acceptance, and I am moving, Sir, that this at least—of course there are many others—ought to be accepted. I move, Sir, that my motion be accepted.

**Mr. B. Venkatapatiraju:** Sir, you have already been pleased to say that the Assembly is not entitled even under the same head to suggest additional revenue by imposing additional duty. In my motion I suggest:

“That in Schedule I to the Bill in the proposed First Schedule to the Indian Post Office Act, 1898, for the entries under the head ‘Letters’ the following be substituted:

‘For a weight not exceeding one tola ... Three quarters of an anna.

For a weight exceeding one tola but not exceeding two and a half tolas ... One and a half annas.’”

If under your ruling, Sir, I cannot move the latter, I am entitled to speak on the whole proposition as a constructive suggestion so that the Government may not complain that there would be a great loss of revenue on that account; it would be met to a greater extent in the way which I have suggested. I have suggested:

“For a weight not exceeding one tola ... Three quarters of an anna, and

For a weight exceeding one tola but not exceeding two and a half tolas ... One and a half annas.”

It might be suggested that there would be a loss of some lakhs, but it will not be more than about 40 lakhs, because after all we have not got the actual figures as to how many letters were sent weighing less than one tola and how many above one tola up to  $2\frac{1}{2}$  tolas. So it may be that we should increase the rate with reference to the weight of the letter, and you have to take that into account, because letters of greater weight might be reduced. But taking all the circumstances into consideration, we cannot ignore the fact that during the last 4 or 5 years there was a considerable fall in the letter postage. We find that it went up to 600 million letters in the years 1920-21 and 1921-22. It has gone down now to 580; that means there was a reduction of 70 million letters. It cannot be pleaded that all this deficiency is due to the slump in trade; I think it is due to the heavy postage. You cannot escape by saying that there must be some other reason than the heavy postage rate. I think the heavy postage rate accounts for the fall of 70 million letters. My suggestion is this. Is it not possible to conceive any measure of affording relief? I shall be very much satisfied if Government are prepared to reduce postage on postcards to the old level and we need not press this, because that will give greater relief to the poorest people than even a reduction in the postage on letters. I do not understand why all letters from half a tola to  $2\frac{1}{2}$  tolas should be charged at the same rate. It is practically

helping the richer section and not helping the poorer section. If we adopted a differential rate for letters of smaller weight and for letters of heavier weight, which are generally used by commercial people and richer people, there would be nothing wrong in doing so. I therefore suggest that some method should be adopted to secure additional revenue and give some relief to those who want to send in letters and who are unable to send them. That is the reason why we have got 70 million letters less now. I have in another place made a suggestion about letter postcards. Letters are intended for secrecy of communication. For that purpose many communications must necessarily be sent in letter form; and therefore even the poor people need some relief. If my suggestion is accepted, which is a reasonable one, there will not be a heavy loss as there would be in the case of other suggestions which are on the paper. Therefore, I suggest that the Government might sympathetically look at the question and not raise the bogey, "We have to provide extra expenditure for this purpose and for that purpose, and therefore we will never give relief in this direction or in any other direction in postal matters". I shall be the first person to be satisfied if reduction is made in any one direction whatsoever. But I am sure, the other side, the Government, are in a mood not to accede to any request in any form whatsoever, because they want every available pie; they want to have their treasury filled in order to spend lavishly. But the House must bring pressure to bear upon them time after time by agitating for the reduction of postage in one form or another. Therefore, I move my motion.

The Assembly then adjourned for Lunch till Twenty-Five Minutes to Three of the Clock.

The Assembly re-assembled after Lunch at Twenty-five Minutes to Three of the Clock, Mr. President in the Chair.

**Mr. Mahmood Schamnad Sahib Bahadur:** Sir, I have given notice of the following motion:

"That in Schedule I to the Bill, in the proposed First Schedule to the Indian Post Office Act, 1898, for the entries under the head 'Postcards' the following be substituted:

'Single	...	...	...	...	Quarter of an anna.
Reply	...	...	...	...	Half an anna'."

[At this stage Sir Hari Singh Gour entered the Chamber and rose up to speak. (*Cries of "Order, order."*)]

**Mr. President:** The Honourable Member knows that he is late for his amendment.

**Sir Hari Singh Gour** (Central Provinces Hindi Divisions: Non-Muhamadan): I rushed in, Sir, as soon as I could, and I hope I may be permitted to move my amendment.

**Mr. President:** Sir Hari Singh Gour.

**Sir Hari Singh Gour:** Sir, the amendment which stands in my name and which I wish to move is as follows:

"Letters: For a weight not exceeding half a tola	...	$\frac{1}{2}$ anna.
As regards postcards, letter card	...	$\frac{1}{2}$ anna."

[Sir Hari Singh Gour.]

I shall explain to the Honourable Members the effect of these two amendments, and I shall leave the House to adopt one or both. Now, as regards the  $\frac{1}{2}$  anna postage for a half tola letter I wish to point out to this House that that is a compromise, a compromise which I think should be accepted by the Government. I think my Honourable friends will agree with me that with the doubling of the postage in 1922 we have *per saltum* gone up from one pice to two pice and from two pice to four pice; and the reason that was given in 1922 and repeated in 1923 is a reason which has not, I submit, received any support from the subsequent facts elicited from the occupants of the Treasury Benches. I happened to be one of the protagonists of an amendment which was resisted by Mr. Clarke (now Sir Geoffrey Clarke) and I see, Sir, referring to my own speech and his reply to me that the burden of his song, or rather the burden of his speech which occupies five pages of the Legislative Assembly Debates, was that the increase in the postal rates was necessitated by a desire of the Government to develop rural post offices; and he appealed, and appealed with success, to the fact that there were a very large number of rural post offices where the receipts were something like Rs. 15, while the expenditure was about Rs. 25; and he said that if you want the development of the rural post offices that development is not possible so long as the rate of postage remained as low as it was, and that appeal did not fall flat upon our ears. We acceded to a rise in the postal rates, but we asked the Government to remember that first of all the development of the rural post offices must be taken in hand. We then put questions and those questions have been repeated in the preceding years, asking the occupants of that office what development in the rural postal facilities was made in consequence of the increased postal receipts. I find, Sir, that the replies are mostly disappointing and the increase in the postal revenues has been absorbed by the enhanced pay and emoluments of the postal employees and a very inconsiderable portion of it, if any, has gone to the development of the rural postal areas. I therefore feel that the reason which justified this House in acceding to this extremely unpopular tax upon communications has not been made good, and that is my first ground for asking this House to go back, if only partially, to a rate which will ameliorate the condition of the very poor who desire to send letters and cards but wish to ensure a measure of secrecy which is not possible in the present postcard and the postal service unless we wish to pay either one anna or more. I therefore plead, Sir, for the two amendments and I hope that no spokesman on behalf of the Government will once more hurl at us the charge that it is an election cry because in 1923 we emphasised this view that the post office was the messenger of civilisation and we wanted the Government to realise that being a public utility department they should keep its rates at the very minimum. Honourable Members on the other side, while conceding this principle, stated what I have summarised in my speech, and I therefore feel confident that my Honourable colleagues on those Benches will support me if it is necessary that we should divide the House on this extremely modest measure which I ask the Government to accept either conjunctively or disjunctively, because I am prepared to abandon the half anna letter if they will accede to my alternate amendment that letter cards be allowed to be transmitted by the post office at half an anna each. If the loss in transit by the post office in consequence of the letter cards will be greater, then I suggest that the postage be reduced to half anna on a letter not weighing more than half a tola. That is my amendment and I ask this House to support my amendment, (An Honourable Member: "Please read that amendment.")



The amendment is as follows:

“ Letter : For a weight not exceeding half a tola ... .. Half anna.  
                   Exceeding half tola and not exceeding two and a half  
                   tolas ... .. One anna.  
 Postcards : Single letter-card ... .. Half anna.”

Sir, that is my amendment. I move it.

**Mr. Mahmood Schamnad Sahib Bahadur:** Sir, my motion refers only to a reduction in the price of post-cards; and this question is also another question about which Government . . . . .

**Mr. K. C. Neogy** (Dacca Division: Non-Muhammadan Rural): On a point of order, Sir. We are considering the question of the reduction in the rates for letters.

**Mr. President:** We are taking up all the amendments on letters as well as postcards together, and after a general debate all the amendments will be put one by one.

**Sir Hari Singh Gour:** Yes, Sir; that will be very convenient.

**Mr. Mahmood Schamnad Sahib Bahadur:** This is another matter, Sir, in which the Government are showing great stubbornness by not acceding to meet the necessities of the people. It is said that the postal service is one of the factors that contribute to civilization. In India also this had had great effects, but the progress of civilization will be marred on account of this check on postal facilities. The pride of the British nation is that they are the pioneers of civilization in the greater part of the world, but what is the state here?

They are showing stubbornness in not acceding to the wishes of the people. This is a very unpopular measure. People are very anxious that the rates on postcards should be reduced. Unlike letters this is a measure that affects poor people. When we had three-pie postcards, it enabled poor people to communicate with their relations and friends and exchange ideas without much expense.

Sir, these postal rates were increased in 1922. Since then correspondence has decreased by one-fifth. This means that poor people are unable to exchange ideas as they used to do before. It is calculated that only  $1\frac{1}{2}$  letters and  $1\frac{1}{2}$  postcards are written per head of the population per year. So this shows to what extent correspondence and exchange of ideas have been reduced. By this reduction there may be a reduction of revenue to the extent of only Rs. 75 lakhs. But, if the savings of the Postal Department are applied to the reduction of postal rates this loss will be covered to a great extent. Each department must bear its own cost. Telegraphs and Telephones must not be tacked on to the Postal Department. The richer people, who make use of telegraphs and telephones, must not be allowed to enjoy the contributions of the poor people. This loss can also be made good by reducing the pay of the higher grade officers which is being increased unnecessarily every year. The number of higher grade officers may be reduced without interfering with the efficiency of the department. Therefore, I ask the Government Members to consider this matter seriously and accede to the wishes of the people at least in this one item. If they show stubbornness, they will only show that they are not amenable to reason. In regard to the abolition of the cotton excise duty, Government were repeatedly asked to abolish it, but they did not yield

[Mr. Mahmood Schiamnad Sahib Bahadur.]

gracefully as they ought to have done in response to the wishes of the people, and they yielded after the concession which they have now shown has lost all its grace. This has been the mentality of Government. I hope, Sir, in this matter at least, they will be wiser, mend matters and give effect to this amendment.

**Sardar V. N. Mutalik** (Gujarat and Deccan Sardars and Inamdars: Landholders): Sir, the amendment that stands in my name reads thus:

"That in Schedule I to the Bill, in the proposed First Schedule to the Indian Post Office Act, 1898, for the entries under the head 'Postcards' the following be substituted:

'Single	...	...	...	One pice and a half.
Reply	...	...	...	'Three pice.'

I am moving this amendment only by way of a beginning for the reduction of the rate of postcards. Sir, I take my stand on commercial lines. By this amendment I think the revenues of the post offices will not only not suffer, but perhaps there will be a gain to the post offices. One commercial advantage that will be the result of the adoption of this amendment is that men purchasing postcards will not purchase only one postcard but they will purchase two cards, because it will not be very convenient for them to purchase cards for one pice and a half. (*An Honourable Member*: "They will be forced to buy.") I am not forcing them to pay more, but as a matter of convenience they will certainly purchase two postcards instead of paying one and half pice and buying one postcard. Apart from that, even if you effect a reduction, the total loss that will result according to my calculation, assuming that the sale of postcards is the same as at present, will be about 30 lakhs. According to the calculations already made, we find that the Post Office has got about 29 lakhs to its credit which amount goes to make up the losses in Telegraphs and Telephones. With regard to Telegraphs, if Government were to accept the suggestion made in one of the leading papers of Bombay to reduce the charges on telegrams and to see whether the income could be increased, perhaps it is possible that the reduced rates in telegrams would bring in more revenue, and with the revival of trade and the increase in the number of telegrams that would follow as a result of the reduction in the telegraph rates, the telegraphs will be able to stand on their own legs. Then there will be no question of meeting any loss from the Postal Department, and the whole loss in the Telegraph Department will be practically covered. So, Sir, on a commercial basis at least my suggestion is quite feasible, and to my mind, there appears to be nothing against it.

Sir, yesterday when we were discussing the general aspect of this Bill, Mr. Neogy had some difference of opinion with the Honourable the Finance Member about charging interest. The whole position is this, Sir. With regard to the question of charging interest to the post offices on a commercial basis, there will be no difference of opinion at all, provided that you agree to start from to-day. The position is this. The Honourable Member wants to start from to-day, while we, on this side, want to start from the beginning of the post offices. If we take into consideration the profits made by the post offices and paid into the general revenues, perhaps the charge that is now made to the post offices will be wiped off. If we start from to-day, then taking Mr. Cook's line, and taking the post offices as an individual unit or as a separate company, there is some slight justification for

charging that interest, but it will be a purely commercial thing. Post offices are not merely commercial concerns. We have to look to the educative value of the post offices and the convenience they afford to the public as well. It is a service from which we are not to expect to gain anything, it is a service which you have to maintain not only for your own sake but for the sake of the public as well. Sir, when the tax-payer in former days incurred expenditure on the Post Office—supposing the Post Office did not make any profit, as the accounts are not quite clear whether the Post office has contributed anything to the general revenues or whether it has been run at a deficit,—but supposing that the tax-payer has incurred expenditure, it was a free gift to the Post Office and the tax-payer then had no idea that it was an investment. It was a purely free gift by the tax-payer and there is no reason why the free gift of the former tax-payer should be taken as an investment. After all it is only a question of taking some figure for interest. I do not know on what basis the figure is arrived at. The basis is not explained in this House and we are not told how the calculation is made. For these considerations, I move this amendment and commend it to the House.

**Diwan Bahadur T. Rangachariar** (Madras City: Non-Muhammadan Urban): Sir, I beg to support the original motion of my friend Mr. Mahmood Schamnad and I feel practical difficulties in the way of the amendment of Sardar V. N. Mutalik. Dealing with the latter first, my Honourable friend Sardar Mutalik's suggestion may be acceptable on the ground that half a loaf is better than no bread; but I am afraid that, when we are introducing a measure for relieving the poor people, we would be forcing them to buy things which they do not require. I do not know if we have got a coin for  $1\frac{1}{2}$  pice.

**Diwan Bahadur M. Ramachandra Rao**: There was at one time.

**Sardar V. N. Mutalik**: You have half a pice.

**Mr. S. C. Ghose**: It is very difficult to get.

**Diwan Bahadur T. Rangachariar**: I do not see it in currency now. I do not know whether there is a currency coin for  $1\frac{1}{2}$  pice or  $4\frac{1}{2}$  pies.

**Sardar V. N. Mutalik**: There is one coin, half a pice coin.

**Mr. S. C. Ghose**: It is very difficult to get.

**Diwan Bahadur T. Rangachariar**: I may say I have not seen it. As it is, it is a very small coin and it is very difficult to get it. It is for the relief of the village parts that we are trying to introduce this measure and I am afraid you will be making it difficult for them to buy a single card which they want to use only. In these village parts probably they have to write one card a year or two cards a year, and if you compel them for want of a coin to buy two cards, as my Honourable friend said in support of his motion—he said that ordinarily people will buy two cards instead of one—I do not think you are really relieving the poor in that direction. For instance, they have no place to keep it in. They have no tables and drawers where they can keep these things safely. Their living room, cooking room and sleeping room is all in one hovel and you expect them to preserve a card for future use which may never arise for months together; so that, I do not think we are at all doing good to the poor people in making

[Diwan Bahadur T. Rangachariar.]

this suggestion. If it is inevitable, if the three pies post card is lost, then I am prepared to vote for this on the ground that half a loaf is better than no bread. But I do think, Sir, that in this matter, I must appeal both to the Honourable the Finance Member and to the Honourable Member in charge to make an effort and see whether they cannot satisfy the public demand in this direction. As I said already on another occasion, the time for giving relief to the poor people has come. We have given relief as I pointed out, by way of the abolition of the cotton excise duty only to a few hundred or a few thousand people. If Honourable Members will look at the chart presentation of the use of letters and post cards in this country in the last Administration Report of this Department, they will find that whereas in 1920-21 and 1921-22 the number of letters despatched by the people in this country amounted to nearly 610 millions, the moment the rates were increased the number of letters fell to 510 millions—a very heavy fall—and since then the rise is very small. If you compare the figures for the three previous years, 1917-18 onwards, you notice a rise in the case of letters every year. For instance, in 1917-18 the number was 470 millions, in 1918-19 it rose to 510 millions, in 1919-20 to 580 millions and in 1920-21 to 610 millions, whereas the rise since the new rates were introduced was as follows. It was 510 millions in 1922-23—that is the first year after you

3 P.M. increased the rates—the rise is imperceptible indeed—and in 1923-24 it was only 517 or 518 millions. In 1924-25 it is 530 millions. Thus the previous ratio of increase was very large. This is a sure indication that the people feel this rise in the letter postage as really oppressive. Similarly, if you turn to the number of postcards which were despatched by the people, it is 650 millions in 1921-22, but the very next year, when we increased the rate, it fell to 530 millions, and since then the rise is very imperceptible. You will find that from 525 millions in 1922-23 it went to 531 or 532 millions in 1923-24 and in 1924-25 it reached only 540 millions, whereas, if you compare the rise in the previous years from 1917-18 onwards, it was as follows. In 1917-18 it was 530 millions, in 1918-19, 568 millions and in 1919-20 nearly 609 or 610 millions. So that the rise was very rapid in the previous years whereas here it is imperceptible. There is no doubt therefore that the country cannot afford these high rates. It will be a pity if you cannot encourage the habit of letter writing among the people. Already the proportion of the illiterate population is so large that I do think it will be a great pity—because this is a means of spreading knowledge—if you do not encourage the people to resort to letter writing in the way of spreading communication between people at large. That is one point of view.

The other point of view which I press on the attention of Honourable Members on behalf of Government is this. The time has come when we should do something really to please the people. They do not understand unless it is something tangible which comes to their very door. You may talk of the abolition of the cotton excise duty. You may talk of the establishment of a military training college at Dehra Dun. You may talk of various other things, but these do not appeal to the imagination of the people. A thing done for their own benefit, a thing which will give immediate benefit to them, which they can feel in their every day life, will be appreciated by them. No doubt, it is only the intelligent people who can appreciate the great advance which has been made by working the Reforms. If you had, as the Honourable Sir Charles Innes said the other

day, all the 318 million Rangsacharis, no doubt there would be no difficulty. You can easily convince them that the Reforms have been a success and a substantial success by co-operating together. But unfortunately on account of the fault of Sir Charles Innes and his predecessors the country is not educated enough. Only 7 or 8 per cent. of the population is educated and then think of the education that they get. Are they able to understand these things? So that it is not merely an election cry. It is a cry which I will strongly advise Government to adopt themselves in their own interests. After all, if by making a small sacrifice they can be popular, why should they not take that chance. The Government is a human institution and human institutions have to work on popular lines. (The Honourable Sir Basil Blackett: "Sacrifice at whose expense?") That is where I join issue. I have great respect for the financial ability of my Honourable friend, Sir Basil Blackett. I do not think it is necessary for me to congratulate him at every step, but at the same time I cannot help feeling that he attaches too much importance to these financial considerations. I do not deny that he should attach importance to them. (Sir Hari Singh Gour: "But little to public utility.") He makes Rs. 30 lakhs profit in the Postal Department. (An Honourable Member: "Rs. 29 lakhs.") Rs. 29 lakhs or nearly Rs. 30 lakhs. (The Honourable Sir Bhupendra Nath Mitra: "Rs. 19 lakhs.") Take it at Rs. 19 lakhs or Rs. 20 lakhs. Therefore it is run at a profit, and I am sure that if you reduce the rates now the correspondence is bound to go up by leaps and bounds. If you compare the rate at which postcard writing progressed before we increased the rates in the three years before 1920-21 you will find that in every year between 20 and 30 millions is the normal increase in the postcard correspondence. Therefore not only will you reach the figure of 650 million postcards which was in use prior to 1922-23 but you will also get a normal increase which year after year, and I am sure financially it will not be a great burden on the revenues. It may be that for the first year or two it may not be quite paying its own way, but at the same time I think that you must take these risks. The Honourable the Finance Member must have realised during the last three years of his career here that his budget estimates of receipts and expenditure have not always tallied. Has he not been able to show a surplus year after year, and why should he not now expect a surplus here also? Why should he not expect reductions in the working expenses of the Postal and Telegraph Departments? There is a Departmental Committee which has recommended various recommendations the financial effect of which has not been calculated. I quite agree that you will not feel it all in a year. If the Ryan Committee's recommendations are carried into effect, in the next three years I am sure there will be a saving in the working expenses and in that way the Postal Department will be able to pay its own way. Secondly, by a rise in the number of articles which will be distributed there will be a rise in the receipts. There will be a reduction in the expenditure on the one hand and a rise in the receipts on the other and in that way you can make the United States of America for postal service. It is not always a safe axiom that you should act upon that the postal service should be self-supporting; but, on account of the stringency of our finances, we in the year 1921-22 agreed to the increase of rates because we wanted the service to be paying. But now that we are in a position to pay for our other expenses and our

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general revenues are in a good condition I think the time has come when the general revenues should bear a portion of the burden of this postal service also. It is not objectionable from the finance point of view that the general revenues should bear a certain proportion of the cost of the postal service. After all, it is a public utility service which you do for the benefit of the people. By all means if you can manage it, let us manage it by making it pay its own way. But are there not other political considerations which a wise statesman has to take into account? Are you going to stick merely to financial theories and say that it is not paying its way, that although the Post office brings in Rs. 20 lakhs profit the Telegraph Department is working at a loss and on the whole it is not paying its way and therefore you cannot reduce the rates? Is that a sound view to adopt? The Honourable the Finance Member will throw it up to us that we are making an electioneering cry. I do not deny its value. On the other hand, in the interests of the Government themselves I would say, "Give us a political asset to go upon". I do not want to conceal it from the Government Benches. What is it that we have to go with to the country? Are we to go empty-handed and tell the people, "Look at the Dehra Dun College. Look at the Royal Indian Navy with the White Ensign as my Honourable friend, Mr. Burdon would put it." What do they know about it? Do the poor villagers, the poor people, know anything about it? How many of them have seen the sea, how many have seen a ship and how many can recognise the distinguished Union Jack from the rest, or the White Ensign from any other flag? After all, we wish to go to the country with an electioneering cry which will catch the imagination of the people. It will not only help the people who have co-operated with you—it is our hands which helped you in putting on these rates, you must remember that. We assisted you in increasing the rates in 1921-22 and we did not hesitate to do it though it was an unpopular measure. We agreed to it. And why? Because we found the finances of the country were at a very low ebb. Now that the finances of the country can afford to give this relief to the poor people, why should we not start with that? I do appeal to the Honourable the Finance Member—unfortunately he is not the Home Member. If he were the Home Member he would be feeling the pinch of it every day. When cuttings from various newspapers are sent to him and he has to read them and weigh them, then he will look at the matter from another point of view. But to the Finance Member closeted as he is with all his financial surroundings, his financial axioms and financial maxims all these do not appeal . . . . .

**The Honourable Sir Basil Blackett:** Does the Honourable Member imagine that I do not have to go through the cuttings from newspapers?

**Diwan Bahadur T. Rangachariar:** Yes, he goes through extracts from trade journals or commerce journals, such as the *Capital*, the *Economist* and the *Statist*, but if he sees translations of the vernacular writings throughout the country he will find how unpopular we are with the country. We share your unpopularity. Being here to assist you in carrying on the government of the country we have become unpopular with our own people and you have only to see the comments on the last constitutional debate we had in this House. After all, you must remember that the Indian newspapers in the country more or less take one point of view. There is not a single newspaper which will say a good word of us. They cry us down for our sense of responsibility, for our sense of constitutionalism and all

that rubbish as they call it. We do not say it is rubbish. It is because we feel, the thinking section feel that it is not rubbish that we are here even at the risk of unpopularity. It is very cheap to get popular if we join the popular cry. We do not want to do that. We give you discriminating help. We give you obstruction whenever it is necessary. We oppose you whenever it is necessary and we give discriminating co-operation to you in order to see that the country really progresses. We have given it where we have felt the weight of it and when we see that you can safely have it. If you ignore us, you not only make yourself unpopular but make it more difficult for you to carry on the government of the country. You must remember that those days are gone when the Executive Government or the Governor General could defy public opinion. Those days are gone, are ended and you cannot defy public opinion now. You have to respect public opinion and I may say that if you are not able to effect this end, you and I will have to part company with the public; at any rate, I will not be able to face my electorate in the teeth of opposition and I have great doubts whether I will be sent back although last time I had not that doubt. The time has really come for us to make a start because we have made ourselves unpopular by imposing these heavy rates, railway rates, postal rates and an additional burden of Rs. 39 crores of taxation. If you turn a deaf ear to it, I am afraid you will be doing a great injustice to the people and I appeal to the Honourable Member in charge to see his way to do it by cutting down expenses. We will try to help him in effecting economy in other directions. There may be other ways in which means can be found for making this department work efficiently. There is no fear. After all it will be a loss of 50 to 60 lakhs at the most. Having regard to the rise which I anticipate will take place on account of the reduction of rates, I do not think you will incur a loss of more 50 to 60 lakhs, and this can be made good in other ways. There are sure to be savings in the Military Department. The Military Department is bound to come to our rescue. We must thank His Excellency the Commander-in-Chief for the cuts he is making year after year. It is going on at a progressive rate. We congratulate him on that and I expect much larger reductions on the military side. I am sure Mr. Burdon will co-operate with us in this matter and bring down the military expenditure. It is possible to do it. There are various sources of wastage. You need not discharge the men. You need not reduce their pay and allowances. There are leakages in various directions. If you stop them, I am sure you will be able to save a lot. It requires more effort, more attention. I am sure next year, the Finance Member will come to this House and say that he has 3 crores surplus to dispose of. If I am here, I shall hear that welcome news. I have put the matter on the most selfish of grounds. I have put it on political grounds, on grounds which must appeal to the Government. If they want to be popular with the people, we, as your friends, appeal to you to take a broad view of these things and make a beginning and show to the people that it is only on account of financial stringency that you were compelled to increase the postal rates but that when your finances are safe you are prepared to go back to the old rates. With these words I commend this motion for a three-pie post card.

**Sardar V. N. Mutalik:** On a point of personal explanation, Sir. I entirely dissociate myself with the sentiments expressed by Diwan Bahadur Rangachariar that it is only for the sake of the elections we have brought forward this motion.

**Mr. President:** That is not a personal explanation.

**Khan Bahadur W. M. Hussanally** (Sind: Muhammadan Rural): My friend Diwan Bahadur Rangachariar has made a very fervid appeal to the Honourable the Finance Member and I am afraid he has wasted his breath all the time in appealing to him. So far as the Finance Member and the Industries Member are concerned they have declared their policy when introducing the Budget. Does Diwan Bahadur Rangachariar expect that they will go back upon what they said? Does he not remember that the Finance Member said that high taxation contributes to the prosperity of the country? I entirely agree with my friend who has proposed these reductions and would certainly vote for them, but situated as we are, after our friends left us, we are in a hopeless minority and we expect nothing from gentlemen to my left. The first thing that has to be considered is whether the Telegraph and Telephone Departments are to be made self-supporting or not; or whether the Finance Member and the Industries Member wish that the Telegraphs and the Telephones should be supported at the cost of the Post Office. That is a point that must be cleared up. When the Telegraph Department was separate from the Post Office, I believe the Honourable Sir Bhupendra Nath Mitra will admit that that Department used to be self-supporting. Ever since the Telegraph Department has amalgamated with the Postal Department the expenses of that Department have grown and they eat up all the income from the Postal Department. That has been admitted. Moreover, the appointments in the Telegraph Department are reserved for Anglo-Indians and Europeans and they draw very much higher salaries than would be the case if Indians were employed in large numbers. That is another matter upon which a clear policy has to be laid down by Government, whether they are going to Indianise the Telegraph and Telephone Departments and reduce the pay of the staff in those Departments. So far as the Postal Department is concerned, we know very well that the staff of that Department has been starved for years past and there have been complaints almost every Session. Recently a deputation of postal employees came here and asked us to intercede on their behalf. And Sir Bhupendra Nath Mitra has admitted some of their complaints to be legitimate and he has tried to remedy those defects in the Budget which is now before us. That shows how poorly postal staffs are paid all over the country, whereas so far as the Telegraph and Telephone Departments are concerned, they are eating up the income of the Postal Department. If the Telegraph and Telephone Departments are separated I dare say there will be no difficulty in reducing these rates which we all demand with one voice. I have repeatedly said that this rate of one anna for  $2\frac{1}{2}$  tolas only benefits the mercantile class, be it European or Indian, and it is on that ground that the merchant Members on this side like to keep these rates. With all deference to them, I trust they will permit me to say so because they transmit heavy paper with a large quantity of writing. Therefore these rates come cheaper to them. For instance I employ thin paper. My letter would hardly be half a tola, whereas the merchant writes a good deal on thick paper. Therefore, comparatively speaking, he has to pay much lower postage than what I do. That is a point which has to be considered as well. Then, Sir, Government uses those small posting labels which do not cost them anything. (*Some Honourable Members:* "No. It is exactly the same.") Do I understand that the rate has been reduced?

**The Honourable Sir Basil Blackett:** We have commercialised the accounts.



**Khan Bahadur W. M. Hussanally:** Commercialisation of accounts is only a plea to keep up high rates so far as we are concerned. We know what the commercialisation of accounts means. However, there are all these considerations, Sir, for reducing these rates and I shall certainly vote with my friends, though we are in such a hopeless minority that we cannot hope to win.

**Mr. K. Rama Aiyangar:** Sir, I want the Government in this matter to take up a stand clearly after considering the arguments that are placed before them by this side of the House. Paragraphs 64 and 65 of the Honourable the Finance Member's speech deal with this question. One can easily see that he has fought hard to make a complete case for the Government not to yield in this matter. He has also added the statement that it is better that we should cease to delude ourselves with unrealisable hopes and should set ourselves to secure the maximum efficiency. He stated further:

"Unless therefore the future holds out the prospect of a considerable further fall of prices to at least the 1914 level—a development which would probably be undesirable in the general interests of India's prosperity—we must admit the logical conclusion that the day of the 3-pie postcard and the 6-pie letter is past beyond recall."

Those are the words he uses. I submit, Sir, that under these circumstances if we now again try to press it, it is in the hope that he will after making that speech keep an open mind, and judge of the position as we place it before him. I make that request in the hope that he will treat this not as a matter of mere commercialisation, as he has tried to do by taking advantage of everything and debiting the Department as much as possible without giving it credit for all the work done by it. I dare say he will follow each argument and change his decision. But let him not reject the demand and that, because conditions have changed, prices have increased and the cost of establishment has increased, he cannot go back to the one pice postcard and the six pices letter. Let him give up that argument and judge of the position as a whole and see that this important department of the public service is not merely made a machine for making some money for the general revenues in some form or other; and also see whether it is not deserving of much more credits and much less debits than are now put against it. That is the position I am placing before him, and as I said, I want an open mind.

The most important of these questions is that within the last two years peculiar charges have been debited against this Department. I gave an opportunity to the Honourable Sir Bhupendra Nath Mitra, in the course of a discussion of my motion for a hundred rupees cut in the Demand, to explain what steps he had taken to consider the credits which might rightly be made in favour of the Department and the rightful debits. Unfortunately, Sir, he has not given a reply which to my mind is satisfactory and I hope the Honourable Members on this side of the House will all join with me in thinking that he has not done his duty by the country and the tax-payer. My point is this. In referring to five or six items, the items that I took up, he told us that he had left it to certain officers of the Department to decide, and he himself was not going to worry himself about their decision.

**The Honourable Sir Bhupendra Nath Mitra** (Member for Industries and Labour): Entirely wrong. Will the Honourable Member mention the 5 or 6 items.

**Mr. K. Rama Aiyangar:** I am quite prepared to be saddled with remarks by Honourable Members on the other side, because I am quite accustomed to them, every sort of unworthy criticism and loose remarks also. But that is what he said. He referred to the Accountant General and the Auditor General and to certain other officers, who he said had found out the figures for him and he was not going to trouble himself about the accuracy of those figures because those officers, rightly he presumes, have done their duty by the Department. But I am going to show, Sir, that there is a *prima facie* reason for his looking into the matter, and I refuse to concede that even the Finance Department is entitled to make new debits and take new credits over and above those which have been debited and credited for years past, without giving an opportunity to this House to examine the method of calculation. It was because of that I raised that contention, Sir, and I certainly deplore the statement of the Honourable Member that he left it to other officers to decide and was not going into it himself, and I contend that he ought not to take that attitude in respect of these matters. That is the position I ask must be taken into consideration. I will come to each item. He told us that with respect to the marine subsidies and free service tendered to Indian States—and the statement I made was that the previous Administration Report showed that a credit was given to this Department under this head . . .

**The Honourable Sir Bhupendra Nath Mitra:** In the Accounts?

**Mr. K. Rama Aiyangar:** In the Administration Report. (The Honourable Sir Bhupendra Nath Mitra laughed.) I am very glad that my friend laughs over an Administration Report published under the authority of his Department. If he is going to have a laugh, let him justify it and not treat it with the contempt that he has treated it with. In the Administration Report of 1923-24, at page 24 there is a credit shown of Rs. 4,43,000 in one case and Rs. 9,19,000 in another case—I leave out the odd rupees. These items have now been cut out, I do not know why. I asked him to explain this and he told us the accounts never contained them. If the accounts did not contain them and the Administration Report did contain them should there not be an explanation? Does he care to give an explanation?

**The Honourable Sir Bhupendra Nath Mitra:** I gave an explanation.

**Mr. K. Rama Aiyangar:** I was not able to hear it; however I will have it once more. The services rendered in connection with those two matters must be accounted for. If they are that is a matter which will require adjustment; but this House is entitled to know the details, by what authority, under what circumstances and by what examination, did they come to the conclusion that these two credits should not be given to the Department in future.

Then another new entry made is the one relating to pensionary charges. They were put at Rs. 33,60,000 till the Budget of 1924-25. But later on we find them put at Rs. 50,29,000, giving a difference of very nearly 16 to 17 lakhs. That again deserves an explanation. What method was adopted in arriving at this figure? It will not do to say that some of your departmental experts came to that conclusion. We are not satisfied with that at all. It is taking away 17 lakhs from the Postal Department: we want to know why it has been taken away and how the calculation is

made for arriving at 50 lakhs, and why this calculation was not made till the year before last. That deserves an explanation. A mere bald explanation given on that score will not do, because it must also be explained why the commercialization of the accounts necessitates this extra charge. If it is said that in previous years this was not looked into in that fashion but later on items were brought under this head, it is proper to show which are the officers whose pensions were not given a debit to in this account till the year before last. Was there any account given to this House to enable it to know what kind of charges were added within the last two years? That deserves an explanation. The first item that I see mentioned gives about 14 lakhs credit struck out.

The third point that I refer to is the recent change in the charge to the Civil Departments share of stamps. That is one of the most curious portions of it. It was 19 lakhs till the other day, within  $1\frac{1}{2}$  years: it is now Rs. 47,39,000. About 28 lakhs have been added to it. I stressed it more than the others the other day: it is in respect of that that my Honourable friend said that it was done by certain other officers . . . .

**The Honourable Sir Bhupendra Nath Mitra:** Nothing of the sort.

**Mr. K. Rama Aiyangar:** If he has looked into the details and he has satisfied himself, I want to know, but I have tried to calculate the amounts in my own way, which I am sure will meet the vague remarks from the other side, without their position being explained, that "it is all wrong calculation." That they will say very easily,—of course their remarks now are not so pungent as they were some time ago. The position is this. Working out the ratio for the whole of the Postal and Telegraph stamps and the receipt stamps, it is said that it works out to 1 to 11·3 in the way they have given credit to it: if 47 lakhs are given credit to for this, the total revenue of the Postal Department comes to only  $11\cdot3 = 547$  lakhs. I take in all these calculations the amounts mentioned in the 1924-25 Report because that is the latest figure about which we can be now sure. Now I ask the question whether the whole of the postal income to the receipt stamps income is to stand in the ratio of 1 to 11·3? If you give 47 lakhs of credit for the civil stamps, you are giving for every one anna credit 11·3 annas for the whole of the postal work. I ask, if it is so, out of 9 and odd crores of expenditure for postal work and telegraph work, do you take  $1/11\text{ths}$  of it for charging the civil side of the revenues for stamps? I ask that question. If you remove the telegraph side, if you take the postal expenditure alone, it comes to about 6 and odd crores: if you take both together, it is 9 and odd crores. Do you charge  $1/11\text{th}$  of this for realizing that income of 47 lakhs? Do you arrive at 47 lakhs as the net amount payable to the civil side, while up to now you treated it as 9 lakhs? If so, why don't you leave the whole of the work to be managed by the Revenue Department for receipt stamps? What would be the establishment that will have to be kept for that purpose, and what would the actual cost of manufacturing those stamps for them be? And what would the consequences be for the profit for that Department? The whole of that work is done by the Postal Department. The charge for the preparation of the stamps is incurred by the Postal Department, but credit is given to 47 lakhs, as I say,  $1/11\text{th}$  of the total credit for stamps for the Postal Department, for the whole of the work that it is doing: the sale of the one anna stamps for receipts is also done by the postal staff, and it is distributed between all these, and are we to permit this 19 lakhs

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being increased to 47 lakhs without any explanation on the part of the Government? I submit, Sir, the only proper way to deal with it will be to allow the receipt stamps to be maintained by another Department, which really is given credit for that. If on the other hand you make the Postal Department give credit to it, charge on a ratio taking note of all these points, and the effect will be that you will come to the same 19 lakhs or probably a little more or less . . . . .

**The Honourable Sir Basil Blackett:** I should like to be able to follow the Honourable Member, but I suppose it is not possible. The calculation is that if we charge 47 lakhs to the Post Office for stamps sold to the Provincial Governments to be used for revenue purposes, we ought to charge the Local Governments 47 lakhs for not carrying the stamps? What are we to charge the 47 lakhs to the Local Governments for?

**Mr. K. Rama Aiyangar:** The one anna receipt stamps are prepared by the Postal Department. A charge is made against the Postal Department for the cost of the preparation of the stamps. The cost of the sale of the stamps throughout the country is also incurred by the Postal Department, by the postal staff. Both these works ought to be charged for against the revenue that you say can be given credit to to the civil side.

**The Honourable Sir Basil Blackett:** It is so charged already.

**Mr. K. Rama Aiyangar:** This 47 lakhs gives the proportion after that charge. Is it so?

**The Honourable Sir Basil Blackett:** The proposition is that the whole expenditure of the Post Office is on selling stamps, and that it otherwise costs nothing?

**Mr. K. Rama Aiyangar:** I am not here to explain that this is to be equally divided or not; I should like the Honourable Members on the Government Benches to explain what charge you are making for that work, and what credit is given to it, what is the total value of the receipt stamps sale, what is the debit you make for the total value of the receipt stamps to departmental expenses—both the preparation of receipt stamps as also the sale of such stamps, what is the net credit you give to the civil side? All that is for you to explain. I do not argue at all on the results. I say, when it is actually 1/11th of the total receipts, you should charge properly. My friend argues that the whole work is being divided into certain ratios. If 1/11th of the income is actually given away to that, is not 1/11th of the work to be charged to that head? They may give a credit to that, which may be a small proportion. If you take 60 lakhs as the actual cost and take 13 lakhs for the cost of receipt stamps prepared, as also the other work done for receipt stamps as well, then 60 lakhs for 547 lakhs of total revenue will not be in the ratio of 1 to 11 but will be something more, a bigger ratio, and that will mean a greater charge to unified stamps. Therefore I submit, Sir, I am not at all convinced, and I do not think the Honourable Member for Industries has discharged his responsibilities to this Assembly by the statement that he made the other day about this.

The next important head that I take up, as I said the other day,—I moved the Resolution formally and I had not the right of reply and I have therefore now to take it up in detail here—is the question of the value

of the stamp revenue credited to the Postal Department. I gave also the method that I used to calculate the total credit that ought to be given if all the postal articles referred to in the Administration Report are charged at the lowest rate. That is, the card is taken at half an anna, the letter is taken at one anna though there may be many letters paying more than one anna, and a quarter anna is taken for newspapers, half anna for unregistered packets, 4 annas for parcels and the insurance amount of Rs. 22 lakhs as such as is given in the Director-General's Report. The total of such calculation comes to 627 lakhs, but the actual credit is 547 lakhs. The money could not go anywhere; it will be in the Telegraph Department, or it must be so disbursed that the full credit of 627 lakhs is not given to the stamps that are sold on the postal side. That is the point that I raised and then how could one be satisfied if this is the calculation that is to be made, unless reasons are given by the Government why the full credit of the lowest value of all these articles should not be given to the Department? I understand, Sir, that in big corporations, big municipal towns, there is a system of allowing cash payments for postal work done. I have not been able to gather from the reports the total amount of cash realised for that work. Money order commission and other items are also paid in cash. I think they are given certain concession rates; I cannot at all trace it from the papers. I should very much like to have that information from the Government; but the allowance that has been made for charging each one of these articles referred to in the Administration Report at the lowest rate, will make much more than amends for any credit that might be taken to the Postal Department for such cash payments. Therefore the examination of the allocation of the stamp revenue between the Postal and Telegraph Department must be made regularly and to the satisfaction of this House. If necessary the whole of the method of working under each of these heads must be available to this House, so that there may be no unnecessary suspicious impression on this side of the House about how these allocations are made. That is my next point.

Then I ask again if credit is given to the work done by the Telegraph and Postal Department for political and military purposes. There are various stations where work is done which are not really paying; they are kept up because they are needed for political and military purposes. Is credit given to all that money that is expended on behalf of the general revenues? General revenues must maintain them and whatever establishment and at whatever cost have to be maintained will have to be accounted for by the general revenues. Is credit given for that? There is no credit given as far as I can see. If it is not given, what is the total work done like that? What is the total extra cost borne not only on establishment but also by contingencies, by travelling allowances, house rent allowances, by interest on buildings, put up for such purposes and by similar other heads that have to be tagged on to that kind of offices which really are losing concerns. The whole credit of it must be given to the Postal Department by the general revenues. Is anything done in that direction? If it is so, how have you calculated this? What is the total cost of such offices and what is the total annual recurring and non-recurring cost? What is the total number of buildings maintained like that? What is the interest charge to that portion? Let all that money be paid to the Postal Department. When you not only do not keep quiet, but go on debiting 66 lakhs by recent accounts after 1921-22, as was pointed out by my Honourable friend Mr. Neogy, when you have begun charging 57 to 66 lakhs as interest on property which has been acquired by the revenues of the country and the tax-payer,

[Mr. K. Rama Aiyangar.]

when you have begun that, are you not to give credit to all that expenditure? What is the total amount that will be available under all the heads if that was done?

Another point was made by the Honourable Sir Basil Blackett yesterday that the interest charges really cause a deficit more in the Telegraph and Telephone Department than on the postal side and I raised the question, Sir . . . .

**The Honourable Sir Basil Blackett:** On a point of order, Sir, this is all repetition of what we heard already last week and I suggest that these are unnecessary repetitions.

**Mr. President:** The Chair is not satisfied that the repetition is of such a character as to require the Chair to interrupt the Honourable Member.

**Mr. K. Rama Aiyangar:** Sir, I will only state my conclusions without repeating arguments. I also drew the attention of the Government to the fact that the Savings Bank Department amount must be given greater credit and I also drew the Government's attention to the fact that the charge to telegraph revenue from the combined offices on the postal side was not proper also. These are the various points that I place before the House and I say this charging of interest to these Departments must be relieved when you take into consideration the work or the benefit that you can confer on the people.

Now, I will come to my Honourable friend Mr. Rangachariar's statement. I will appeal to the Honourable Sir Basil Blackett to see that some reduction is made in the taxation of the country. I do not put it for an election campaign. I do not think it ought to be so at all, but we owe a duty, having been here these three years to fight this matter, to have something done by the Government, and let it not appear . . . .

**Sir Darcy Lindsay** (Bengal: European): Cotton excise.

**Mr. K. Rama Aiyangar:** It is a great mistake to refer to it; cotton excise ought to have been relieved three years ago when you had 6 crores to pile up in 1923-24 and 5 and odd crores in 1924-25; and in this year my Honourable friend said there was no money, but the revised estimate shows the balance will be 130 lakhs, of which 50 lakhs is proposed to be given to the Archaeological Fund. We shall do it next year. I have no objection to have it, but there will be no difficulty for the Honourable Sir Basil Blackett if he only wants to find the money. These are all various questions that arise. I do want something done. I will be quite content if postcard rates are lowered as I said the other day, but something must be done; I do not think it shall be pleaded by the Government that they could not do it.

(Some Honourable Members moved that the question be put.)

**The Honourable Sir Bhupendra Nath Mitra** (Member for Industries and Labour): Sir, it will probably be better for me to begin with my Honourable friend Mr. Rama Aiyangar. We have heard from him again a series of figures; but on a previous occasion I warned the House, and gave my reasons for my warning, that his figures should be taken with a certain

amount of caution. In his speech to-day he said that he had asked me certain questions on a previous day when we were voting on the Demands for the Post and Telegraph Department, that I could not give him proper information, and that I admitted that I had taken the figures or calculations supplied to me by various authorities on trust. Now, Sir, I have taken down the items which Mr. Rama Aiyangar referred to a little while ago. They are: *first*, share of marine subsidies; *secondly*, charges against Indian States; *thirdly*, pensionary charges; *fourthly*, civil departments' share of the combined revenue from the unified postal and revenue stamps. Then the Honourable Member went on to talk about the share of stamp revenue credited to the Postal Department, credits to the Postal Department for cost of offices at political and military stations, credit from the savings bank deposits, and also credits to the Postal Department for a larger share of the charges of the combined offices. Now, Sir, to the best of my recollection,—and I am pretty certain that the House will corroborate me—of all these numerous items which have been flung at me at this late stage, the only items about which the Honourable Member asked for information the other day were share of marine subsidies, services rendered to the Indian States, and the Civil and Postal Departments' shares of the combined revenue,—I think that was all; and I gave my Honourable friend full information in regard to those items. I told him that in the case of marine subsidies and services rendered to the Indian States I had myself examined the matter and had come to the conclusion that it was not possible to secure any credit. I explained to him also the position in regard to the Civil and Postal Departments' shares of revenue from the unified stamps. The Honourable Member was apparently satisfied as he withdrew his motion. The Honourable Member's argument to-day is perfectly unintelligible. His point, as I understood it, is something like this. If the civil department is to be given one-eleventh of the total revenue from these stamps, it should also be debited with one-eleventh of the expenditure of the Postal Department. The argument of course is unanswerable! It is undoubtedly unintelligible to me.

Now, Sir, that leads me to the general question on which my friend Mr. Neogy spoke with a certain amount of fervour yesterday. That is the question of the maintenance of commercial accounts in the Postal and Telegraph Department. Mr. Neogy seemed to think that all this has been done by Government with a certain purpose. Well, Sir, I was looking into the debates of previous years and I found that Mr. Neogy among others had at a certain stage expressed a great anxiety that the accounts of this Department should be maintained on a commercial basis. I shall quote a few passages from one of his speeches on the 12th March, 1924. This is what he said:

"Sir, talking of the Telegraph Department reminds me of the fact that the system of accounts that used to prevail in the Postal and Telegraph Department was in a chaotic condition so long, and I am very glad to learn that a system of commercial accounts has been introduced with effect from last year. I do not object to commercial accounts being kept so that we may know whether a particular department is working at a loss or profit."

Now, Sir, that was the view which he held; and it would be possible for me to quote similar statements made by various other Honourable Members in this House. As a matter of fact the idea of introducing commercial accounts started as early as 1921, because it was very difficult to come to any reasonable conclusions from the accounts on the one hand—the Finance and Revenue Accounts—and the figures given in the Administration Report

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to which my friend, Mr. Rama Aiyangar, referred. I shall quote what Sir Malcolm Hailey said in this connection on the 1st March, 1921 :

"It has not hitherto been easy to say precisely what we are making or losing over the administration of our post offices, as our general accounts do not show as debits to or credits to the post office certain items of expenditure and revenue, which if the accounts were kept on a strictly commercial basis would appear therein. The administration reports of the department do indeed attempt to work out the profit and loss; but you cannot place too much reliance on the figures."

What Mr. Rama Aiyangar now suggests is that we should place a great deal of reliance on the figures in the old Administration Reports and that is my difficulty with him. If you look at the figures given in the administration reports of the past, you will find that there was a debit for pensionary charges, and there were debits and credits for various other items mentioned by Mr. Rama Aiyangar, though these did not appear in the Finance and Revenue Accounts. Since the introduction of the commercial accounts, every one of these items has come under review, and for those items for which credit or debit is legitimately permissible, the necessary credit or debit has been afforded in the regular accounts of Government.

4 P.M.

Now, Sir, I was a bit puzzled yesterday at the outburst on the part of my friend, Mr. Neogy. But when I came to the following sentence in the very speech from which I have already quoted, I arrived at the real explanation. This is what he said then :

"I make bold to assert that the Post Office has been subsidising the Telegraph Department, and when the rates were raised in 1921-22 the postal rates were expected to give a handsome subsidy to the Telegraph Department, and I am sure when the commercial accounts are complete this statement of mine will be wholly borne out. (*An Honourable Member* : 'It has been.') My reading of the position is that we had to sacrifice the pice postcard for the purpose of keeping up the Telegraph Department."

Now, Sir, the commercial accounts have not proved Mr. Neogy's anticipation. They do not show that there is such a large surplus in the accounts of the Postal Department by itself as would enable us to go back to the one pice postcard rate. There may be just a small profit, but it is not a handsome subsidy, and there is no chance of going back to the old postcard rate. (*An Honourable Member* : "It is some subsidy.") Therefore Mr. Neogy now says "I will have nothing to do with these accounts. They have been badly prepared : I will have nothing to do with this commercial system." (*An Honourable Member* : "Nobody says that.") I shall say another word about these accounts. In view of the fact that there is so much anxiety that these accounts should show a particular result, namely, that in the postal compartment they should show a handsome profit which might be used for example to bring back the one-pice postcard, was not our action fully correct in leaving the primary settlement of the allocation to people who are certainly in a better position to do it than perhaps this House as a whole is? Neither the Auditor General nor the Accountant General who make these allocations are in any way interested in the results. They do not care whether the result shows a small profit in the postal compartment or a large profit. They simply record the figures; and I think it is only proper that when the figures have been compiled, they should be examined not by this House as a whole but by its Committee of Public Accounts. If that Committee want to have any information, they can at any moment call for that information and they may examine how any particular figures



have been arrived at. There is no use in my friend, Mr. Rama Aiyangar trying to place before us strings of figures perfectly unintelligible and then trying to get something out of us on the floor of this House.

Now, Sir, I come to the more important point. What was the main reason which led us to increase the postal rates in 1921 and in 1922. My Honourable friend Sir Hari Singh Gour, who has moved an amendment to-day, said that the principal reason was, at least from his point of view, to help the development of rural facilities. Now, Sir, I hope the House will bear with me if I give it an extract from his speech on the 18th of March 1921. This is what he said then in connection with the Indian Finance Bill for that year:

"I am not quite at one with my Honourable friend Mr. Seshagiri Ayyar when he says that the Post Office must be run as a public benevolence. My own view of the matter is that the Post Office must be run no doubt for the benefit of the public, but a serious attempt must be made to see that the Post Office pays its way. The Honourable Mr. Majumdar who spoke on this subject complained and complained truly of the backward state of the post office in the rural areas. For days and sometimes for weeks letters are not delivered. How can you expect improvement in a department which is a losing department? I therefore submit that so far as the post office management is concerned it must be conducted on business lines, and I should be the last person to make it run as a charitable institution or as an institution intended for the benefit of the public at large. I see no reason why, if I have to send my letter by post for my own convenience or the convenience of the addressee, somebody else or some other Honourable Member should contribute his quota to the cost of carriage of that letter. It is my work and I must pay for it."

Now, Sir, I was very glad to come across those remarks, because, if I may say so, these observations furnish me with the strongest support to the policy which Government have consistently followed in regard to the Indian Postal and Telegraph Department. On several occasions, I have explained what that policy is. It is hardly necessary for me to repeat my statements and I have no doubt that all Honourable Members know what that policy is. Well, my friend Sir Hari Singh Gour is not the only Honourable Member who has in the past expressed fullest concurrence with that policy. My friend Mr. Venkatapatiraju on the same occasion said this:

"I do admit, Sir, that the post office should not be run as a charitable institution . . ."

**Mr. B. Venkatapatiraju:** That was in 1921-1922.

**The Honourable Sir Bhupendra Nath Mitra:** That is right. I can quote many other Honourable Members. I shall be able to quote my friend Mr. Das and many others, but I shall leave it at that. I know at the same time that certain Honourable Members on the other side,—probably their number is very small—have on occasions expressed the view that the Post Office should be run as a benevolent institution . . .

**Mr. B. Venkatapatiraju:** Who ever said it? Nobody says so.

**The Honourable Sir Bhupendra Nath Mitra:** I am very glad to hear that nobody says that the Post Office should be run as a benevolent or charitable institution, because that will strengthen my arguments later on. I know that, on the other hand, my friend Mr. Joshi has other views. He wants the Post Office to be run as a human institution. The other day he wanted us to incur about 60 lakhs of extra expenditure on the postal subordinates. Now, Sir, we have tried to arrive at what I may call

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a reasonable mean between these divergent courses which have from time to time been proposed. We try to provide a reasonably efficient service at a cost which will keep the staff in a reasonable state of contentment, as we have urged several times on the floor of this House,—I think Sir Geoffrey Clarke brought it out on several occasions, and I am afraid I cannot do it so well as he did,—this Department provides facilities much better than in any other part of the world and its reputation for efficiency stands very high throughout the world.

Now, Sir, what will be the effect if we are to accept any of the numerous amendments which have been placed before the House to-day? There seems to have been some confusion about the figures. My friend Mr. Kabeerud-Din Ahmed, whom I do not find here now, said that the profit on the postal side in next year's Budget amounts to 29 lakhs. Well, he was probably quoting from the materials which he had collected for his previous speech and which he had forgotten to correct after he had received the new Budget. Well, as it is, the surplus in the postal compartment for 1926-27 is only 19 lakhs; and as the cost of the least expensive proposal which is placed before us, namely, that of my friend Sardar Mutalik, about the 1½ pice postcards will be at least 40 lakhs, it is obvious that we shall not be able to introduce that measure without paying a subsidy from the general tax-payer to the Postal Department.

**Sardar V. N. Mutalik:** Do not charge interest.

**The Honourable Sir Bhupendra Nath Mitra:** A form of subsidy! I think it will be desirable for me at this stage to give the cost of the numerous proposals which have been placed before us. My friend Mr. Kabeerud-Din Ahmed wants that we should charge for a weight not exceeding one tola, half an anna, and for a weight exceeding one tola but not exceeding two tolas and a half, three quarters of an anna. In regard to these reductions, there is one point which I think I tried to impress upon this House the other day, and it is necessary for me to draw the attention of Honourable Members to it once again. It is the experience of the postal department all over the world that if you reduce the initial weight of the articles and the initial rate for that weight, the bulk of the traffic almost immediately tends down to that initial limit. I find that so far back as June 1898 the Post Master General, Bombay, expressed the following opinion:

"For the revenue of the Indian post office, it is an unfortunate thing that a half-anna rate has been considered necessary for the poorer classes of the country. It is habitually used by the large majority of those who are well able to pay the higher rate, and the notepaper chiefly sold in the European shops is adapted to this rate. The idea that the wealthier classes would use the one anna one tola rate and leave the half anna half tola rate to their poorer brethren is fanciful and illogical and has left India with a more anomalous scale than most civilized countries possess."

This was written in 1898.

**Mr. K. Ahmed:** That shows that you have not developed your experience, since then.

**The Honourable Sir Bhupendra Nath Mitra:** Will the Honourable Member kindly wait? Now, Sir, the opinion expressed in 1898 was fully supported by the experience gained in 1921. In that year the Government of India in deference to the wishes of the Legislature retained at half anna the

postage for weight not exceeding half a tola and raised to  $\frac{1}{4}$  anna the postage for weight exceeding half a tola but not exceeding one tola, the rates from 1 to  $2\frac{1}{2}$  tolas and for every additional  $2\frac{1}{2}$  tolas or fraction thereof being retained at the rate of one anna in either case. The result was that the traffic carried at the initial rate of half anna was found to be about 80 per cent. of the total traffic. The traffic carried at the next higher rate of 9 pies was 10 per cent. of the total, and the traffic carried at each of the two highest rates was only 5 per cent. of the total. All this information was given to the House by Sir Geoffrey Clarke on previous occasions and so the House has no reason to complain that they had not the information in their possession.

**Diwan Bahadur T. Rangachariar:** Come to the three pies postcard and tell us about that.

**The Honourable Sir Bhupendra Nath Mitra:** Now, Sir, on the basis of the present volume of traffic, Mr. K. Ahmed's proposal—item 9 on the notice of amendments—will cost about Rs. 150 lakhs.

**Mr. K. Ahmed:** Deal with Mr. Rama Aiyangar first, the point about the fallacy, and then come to that conclusion.

**The Honourable Sir Bhupendra Nath Mitra:** There is no fallacy, Sir, I am simply giving the House estimates of the cost of the various proposals before the House.

**Mr. K. Ahmed:** He puts you out of the rule of excluded middle.

**The Honourable Sir Bhupendra Nath Mitra:** I would ask my Honourable friend to settle that matter with Mr. Rama Aiyangar.

**Mr. K. Ahmed:** You settle it. It is for you.

**The Honourable Sir Bhupendra Nath Mitra:** Now, the cost of the proposal made by my friend Mr. Venkatapatiraju . . . . .

**Mr. President:** Order, order. Mr. Venkatapatiraju has not moved any amendment. He has merely made a suggestion.

**Mr. K. Ahmed:** The Honourable Member probably thought that Mr. Raju would speak and so my friend Sir Bhupendra Nath Mitra is speaking from manuscript.

**The Honourable Sir Bhupendra Nath Mitra:** I am not speaking from manuscript, Sir. I am simply giving estimates of the various proposals.

**Mr. K. Ahmed:** Why do you deal with Mr. Venkatapatiraju's amendment then?

**The Honourable Sir Bhupendra Nath Mitra:** I had these estimates worked out before I came to the House.

**Mr. K. Ahmed:** The Honourable the President tells you not to deal with it as Mr. Raju did not speak. (*Cries of "Order, order".*)

**The Honourable Sir Bhupendra Nath Mitra:** In regard to the reduction in the postcard rates, the cost of the proposal made by Mr. Mahmood Schamriadi would be Rs. 86 lakhs a year and the cost of the next proposal, that of Sardar Mutalik, would be half of that, i.e., 43 lakhs.

**Sir Hari Singh Gour:** Just now you said 40 lakhs, and now it has gone up to 43 lakhs.

**The Honourable Sir Bhupendra Nath Mitra:** When I said that, I gave a round figure. I am now giving a more precise figure. The figures which I have given are based on the volume of traffic which we expect to be carried in the year 1926-27 according to our budget estimate. I know that many of my Honourable friends opposite, including my friend Mr. K. Ahmed, expect that with the reduction in rates there will be an increase in the traffic.

**Mr. K. Ahmed:** Your formula is wrong. It is misapplied.

**The Honourable Sir Bhupendra Nath Mitra:** What formula? What is misapplied? Mr. K. Ahmed said that in dealing with this matter on the 9th of February, I had not met that part of the argument. Well, Sir, to repeat what the Leader of the House said on a previous occasion, I can only bring the horse to the water, but I cannot make him drink that water.

**Diwan Bahadur M. Ramachandra Rao:** It applies to both sides.

**The Honourable Sir Bhupendra Nath Mitra:** I can furnish the House and my friends opposite with information and with such arguments as I can produce, but I cannot instil into them intelligence. I wish to read what I said on the last occasion . . . .

**Mr. K. Ahmed:** Your tank is so bitter that no horse will drink the water.

**The Honourable Sir Bhupendra Nath Mitra:** "Many of my Honourable friends here have said that if you reduce the rates, the traffic will go up. I entirely agree that the traffic will go up, but is it seriously contended that it will be possible to deal with this additional traffic with the staff that is at present there? No, Sir." The point is that if the traffic itself becomes unremunerative, the more you add to it the more you add to the loss. It is illustrated by the story which my friend Mr. Sim gave the House the other day about selling oranges at a loss.

**Mr. K. Ahmed:** You have not reached Nagpur yet.

**The Honourable Sir Bhupendra Nath Mitra:** Now, Sir, the figures which I have given, and the information which I have placed before the House, make it clear that it is not possible for us to accept any of these motions, and to introduce the necessary measures, without the result being a subsidy,—not a small subsidy but a fairly substantial amount of subsidy,—from the general tax-payer to the Postal Department, even if you treat that department in a separate compartment. We cannot possibly grant this subsidy without interfering with the various other measures for which provision has been made in the Budget, be it the cotton excise duty or be it the relief to Provincial Governments.

**Sir Darcy Lindsay:** We have passed the cotton excise duty.

**The Honourable Sir Bhupendra Nath Mitra:** My friend Sir Darcy Lindsay rightly reminds me that the cotton excise duty has been passed and therefore it is not open to me to talk on that point.

Now, Sir, the next point with which I propose to deal is: what is really the justification for reducing this rate? I have heard a good deal about the poor man's argument, that is, that it will benefit the poor man.

**Sardar V. N. Mutalik:** It will increase the traffic.

**Mr. K. Ahmed:** If you reduce the rate it will increase the traffic.

**The Honourable Sir Bhupendra Nath Mitra:** I have dealt with that matter already. Now, Sir, I think my Honourable friend Mr. Joshi has as much claim to represent the poor man in this House as any of the other Honourable Members. I shall quote what Mr. Joshi said on the 1st of March 1921 in this House in this connection:

"Sir, I am in favour of the proposal of my Honourable friend, Mr. Jatkar "

—(viz., that there should be no increase in the postal rates)—

"I do not support it on the ground that it will fall heavily upon the poor, because, as Sir Logie Watson has said, the tax will not come to very much."

That is about the poor man's argument. Mr. Joshi, however, supported the lower rate on the ground that it would give facilities for progress and civilisation. He said:

"We want a cheap postage because India has yet to make great headway in progress. We are far behind, we want propaganda, we want education, and as a means of education, we want a cheap postal system."

Now, Sir, if you want progress, if you want education, is it important that the postal rates should be reduced before you have the means of providing education? What is the proportion of the people of this country who are literate and who can make use of your letter or post card post?

**Mr. K. C. Neogy:** It is a matter of great credit to you.

**The Honourable Sir Bhupendra Nath Mitra:** It is not a question of credit to me.

**Mr. K. C. Neogy:** To Government.

**The Honourable Sir Bhupendra Nath Mitra:** It is really the point of my argument. I explained the point some time ago. When the need for communications was pressing, when the question of opening up communications was relatively more important, Government did not hesitate to run the Post Office at a loss.

**Mr. B. Venkatapatiraju:** At a loss?

**The Honourable Sir Bhupendra Nath Mitra:** Mr. Neogy knows about that. It is evident from various documents. In the early days the Post Office was run at a loss.

**Mr. B. Venkatapatiraju:** For 50 years there was no loss. I refer the Honourable Member to the profit and loss accounts in the official reports.

**The Honourable Sir Bhupendra Nath Mitra:** I refer my Honourable friend to my Honourable friend, Mr. Neogy . . . .

**Mr. B. Venkatapatiraju:** I refer to the official records.

**The Honourable Sir Bhupendra Nath Mitra:** The official records will bear out Mr. Neogy and not Mr. Raju. We have now reached a position when there is not the same urgent need for the development of communications. On the other hand it is more important that the nation-building services should be more adequately fed and that was the reason, I should say, why my Honourable colleague on my left decided to devote to the relief of provincial contributions whatever money he could spare from his Budget.

I am sorry that in giving the various estimates I overlooked the amendment of my Honourable friend, Sir Hari Singh Gour, for the simple reason that it does not find a place in the printed agenda. His amendment about the introduction of a rate of half an anna for a weight not exceeding half a tola will cost about Rs. 135 lakhs a year. I come to his next proposal, a very novel one, namely, that we should introduce in India a letter-card and charge on it the same postage which we at the present moment charge on post cards. I gather from my Honourable friend that his object is to secure privacy in the correspondence which poor people have to carry on with their relations, etc. This proposal will be the most costly of all. There is a system of letter-cards in England, but in England the letter-card has to pay the same postage as the initial rate for letters, namely,  $1\frac{1}{2}d.$  and the charge made for the card itself varies from  $\frac{1}{2}d.$  for a single card to half a crown for 100 cards. If this sum of 2s. 6d. for 100 cards represents the cost of manufacture and distribution of the letter-card, the cost of 550 million cards would be about Rs. 70 lakhs after deducting a sum of Rs. 8 lakhs which we now spend on our post cards. The measure will further be tantamount to our having a letter rate of half an anna for a weight of half a tola, that is, Sir Hari Singh's alternative proposal. The result will be that a considerable proportion of the letters now carried at the initial rate of an anna for  $2\frac{1}{2}$  tolas would adapt themselves to the initial rate of half an anna for the letter-card. I admit that the proportion which will so adapt itself will not be as heavy as would adapt itself to the initial letter-rate if we were to introduce a half anna half tola letter-rate, because the half-anna letter-card will not have as much space as the amount of letter paper which can go into a half-anna half tola envelope. If we assume that about 70 per cent. of the letter traffic will adapt itself to the letter-card the loss of revenue will amount to about Rs. 120 lakhs. (Sir Hari Singh Gour: "On letter-cards?") The

point is this. If we introduce the letter-card, the letter-card will practically be equivalent to a half-anna half-tola letter and in addition there will be this disadvantage to the State. The stationery in the letter-card will have to be supplied by the State. Therefore, my point is that a considerable volume of correspondence which is now conveyed by the letter post will take advantage of the letter-card post, and hence the loss in revenue from postage on letters will be about Rs. 120 lakhs. Further, on those letters in regard to which advantage is taken of the letter-card, we shall lose a further sum in having to supply the material, and that loss will be roughly about Rs. 50 lakhs. So that, all told the cost of the alternative proposal about a letter-card will be about Rs. 2½ crores. At the same time, I may mention to my Honourable friend that the letter-card is not, I understand, at all popular in England.

I shall go back to the arguments in favour of reducing these postal rates. I think I have dealt with the poor man's argument. I have dealt with the argument based on the educative value of the measure. My Honourable friend, Mr. Rangachariar, referred to the argument based on political considerations,—appealing to the electorates or to the people at large. (*An Honourable Member*: “Don't bother about it.”) (*Diwan Bahadur T. Rangachariar*: “That is protesting too much.”) Need I say much on this question? I shall simply repeat what I said on the subject about this time last year, because that answers the argument fully.

“The Chancellor of the Exchequer in the first Labour Ministry in England refused to allow any consideration based on the political advantage which might accrue to his party by playing to the imagination of the people, to outweigh his duty towards the general tax-payer of his country . . .”

(*An Honourable Member*: “Who said that please?”) That is the comment I made. If the House desires I shall quote from Mr. Snowden's speech.

**Diwan Bahadur M. Ramachandra Rao**: I always thought that the Chancellor of the Exchequer always had an eye on the elections in England. If both my Honourable friends were responsible to this House they would certainly have an eye on the elections, just as anybody else. We know something about English political life.

**The Honourable Sir Bhupendra Nath Mitra**: This is what Mr. Snowden said on the 29th April, 1921, in the House of Commons:

“I am not in a position to make any considerable changes . . .”

**Diwan Bahadur M. Ramachandra Rao**: What about the free breakfast programme? Was it to please the electorates or the people, or was it merely for the edification of somebody?

**The Honourable Sir Bhupendra Nath Mitra**: We are now on postal rates.

“I am not in a position to make any considerable changes in the postal rates. It is true that the post office is making a profit on all its services taken together.”

[Sir Bhupendra Nath Mitra.]

That profit, according to my recollection was several millions :

"There are, however, certain charges which are now the subject of investigation and for this reason it is impossible to say definitely what these profits are likely to be at the end of the year. There is one thing clear, and that is that it is not yet possible to re-establish the penny post as an economic proposition." (*At this stage a Member of the House interjected "Why not?" Mr. Snowden continued*) "It is not possible as an economic proposition. I am quite sure that neither this House nor the country is thinking that the post office should be subsidised by the general tax-payer."

Sir, I cannot accept any of these amendments.

**Mr. K. C. Neogy:** I have been so often referred to by the Honourable Member in charge, Sir Bhupendra Nath Mitra, that the House will give me a little indulgence for a few minutes for replying to some of the points referred to by my Honourable friend. My Honourable friend thought that he made a very great point when he quoted a speech of mine in support of commercialisation of accounts. I certainly stand by the observations I made on that occasion, and I made it quite clear yesterday also, that while I am in favour of the commercialisation of accounts, I must strongly protest against the commercialisation of the policy of administration of this Department. There is some distinction between the commercialisation of accounts, which amounts to a mere amendment of the system of book-keeping, and a departure in the policy that has so far guided the Department in fixing the postal rates. My Honourable friend would do well to keep that distinction in mind. The mischief, rather the evil, which this commercialisation of accounts is calculated to cure was prominently brought to notice by the Retrenchment Committee when it pointed out that the Post Office did not get proper credits for services rendered to different departments, nor was it debited with proper charges of a certain character. Sir, everybody likes to know how far a particular department is working at a loss or at a profit; but that certainly does not mean that we are to treat that department as a commercial department. What has been the result of commercialisation of accounts? As I stated yesterday, one of the results has been to take the capital contributed out of past revenues, and make that into a block account on which interest is to be charged. I know that my Honourable friend, the Finance Member, is very much in favour of academic accuracy in regard to account matters; but this is a much more serious thing than he seems to imagine. If the past policy was as described by Sir Geoffrey Clarke in his well known book, that the Post Office must be maintained for the benefit of the people of India and not for the purpose of swelling the revenues, then I take it that the contributions which the general tax-payer made towards the capital expenditure of this Department in the past years, were not meant to be treated as profitable investments by a future Finance Member like my Honourable friend Sir Basil Blackett. Sir Basil Blackett has absolutely no justification in trying to interpret in a selfish way the intention of the tax-payers in the past, when we have this declared policy of the Department before us. If the general tax-payer has readily contributed towards the capital expenditure of this department, out of surplus revenue, I ask my friend whether this charging of interest can be justified on any account. (*Mr. W. S. J. Willson: "Yes."*) My Honourable friend who represents the Associated Chambers of Commerce says "yes". I know that the view which he holds in this matter is diametrically opposed to the views we hold, and it is useless to



try to convince him about the soundness of our proposition. He seems to consider that the Post Office is a shop which has got to give at least a good return on the capital expended.

**The Honourable Sir Bhupendra Nath Mitra:** What about the Inchcape Committee?

**Mr. K. C. Neogy:** I am not prepared to subscribe to every recommendation of the Inchcape Committee. Neither are you. I do not know whether this declaration of policy as made by Finance Members in the past, and by past Members in charge of this Department, were ever placed before that Committee when they considered this question. Sir, if you consider the nature of the accounts that the Post Office has hitherto maintained, you will agree with me that it was never the intention of the tax-payers in the past to treat this Department as a commercial concern. We find that pension charges were never debited to this Department. We find also that the building charges were debited against the Public Works Department, and not against the Postal Department. These are matters which have been set right in the commercialised accounts; but the very fact that no debit was made to this Department for these charges in the past shows that the intention of the tax-payer in the past was not to treat this Department as a commercial department, but to run it in the interests of the people of India as an engine of civilisation, as was pointed out by a Finance Member in 1866. The capital has, in these circumstances, to be treated, if Mr. Willson will have it, as a free gift to the Postal Department; and the present generation cannot certainly charge interest on the value of a free gift made by the past generation to a particular department.

Then, Sir, my Honourable friend the Member in charge asked whether we are prepared to subsidise the Post Office, and he has quoted my Honourable friend Mr. Venkatapatiraju as saying that he is not prepared to do that. I am not in agreement with my Honourable friend Mr. Raju on that point, if he said so. What I maintain is, if you can run the Postal Department on a self-supporting basis, well and good. If you do not succeed in that, I myself will not mind subsidising the Post Office. What have you done with the Telegraph Department? My Honourable friend Mr. Willson ought to know that we have been subsidising the Telegraph Department for very many years. If that proposition is a sound one in the view of my Honourable friend Mr. Willson, with what face can he oppose us when we ask for reduction in the postal rates which may lead to subsidising the postal side of the combined department.

**Diwan Bahadur T. Rangachariar:** What about the Indo-European Telegraph Department?

**Mr. K. C. Neogy:** I leave that alone. My Honourable friend has stated that the Auditor General and the Director General have approved of the allocation of expenditure of revenue between Posts and Telegraphs, and he asked us whether there was any reason to suspect that either of them was partial to this department or that. I know that the policy of Government in the past has been to treat the Telegraph Department more favourably than the Postal and to run the Telegraph Office at the cost of the general tax-payer. I do not want to go into details at this late hour, but I do not think it will be challenged that the policy of the Government has been to satisfy powerful interests as much as they can. And when

[Mr. K. C. Neogy.]

I say that, I am reminded of the "reasonable mean" which my Honourable friend says guides the policy in this matter. Certainly the "reasonable mean" is to please the powerful interests, interests that might revolt against the Government if they were to be charged in the proper manner for postal and telegraph facilities. I have already alluded to the Telegraphs. What about the Press telegram rates? Do you contend that the Press telegram pays its way? What about the newspaper post? The view held by some of my Honourable friends who represent European interests in this House, as also by Government, is that the postcard must at least pay its way. They say, you cannot send a postcard from one end of India to another at a cost of one pice. Is the Honourable Member in a position to say that he can send a bulky newspaper at the cost of one pice from one end of India to the other? I dare say he is not going to make any such statement. Therefore we come to this position, that it is not in every case that you can justify a particular rate on commercial principles. Now, the question is, which of the items should be let off lightly, and which of the items should be subsidised, if necessary. Sir, we have heard the argument in favour of keeping the minimum unit of weight in the case of letters at its present level, and I very much suspect that it is for the benefit of the better class of people who use thick stationery that this device was resorted to. There again is my Honourable friend's "reasonable mean". To put it briefly, the policy of the department of which my Honourable friend is in charge, is to exploit the poor for the benefit of the rich. My Honourable friend has referred to the fact that the Post Office was worked at a loss in the past, and he has referred me as an authority on that point. Sir, I am free to admit that the Post Office, in the dim past, in the beginning of British rule in India, was run at a loss. But you cannot take that factor into consideration when you are considering these questions to-day, for the simple reason that the Post Office was more a matter of necessity to Government for administrative purposes in those days, than a utility department for the benefit of the public. Sir, my Honourable friend has made light of the poor man's argument in this matter. I would refer him to the observations which the Postal Commission made in the year 1851, when they said that one of the chief considerations in fixing the rates:

"was the poverty of the great bulk of the population, many of whom could ill afford to spend even the smallest Indian coin, namely, one pie, a twelfth part of a penny, on anything that was not necessary for their own sustenance."

Then, again, they said:

"In considering what plan of postage is best suited to the circumstances of India, and most likely to conduce to the convenience of the public, the social and commercial advancement of the country, and the ultimate financial advantage of the department, the difference between the circumstances of the European and native portion of the community must be distinctly borne in mind."

And, then again, they went on to observe further with regard to the bulk of the population in India, whom they described as poor:

"But they are poor, and though well inclined to correspond, greatly prevented from doing so by the present high rates of postage."

Sir, I am not unmindful of the fact that the postal rates of those days were very high indeed; but the argument which the Commission used at that time still holds good to-day.

**The Honourable Sir Bhupendra Nath Mitra:** Which year was that?

**Mr. K. C. Neogy:** 1851. I perfectly admit that the postal rates were very high at the time, and they have gone down considerably by stages. But the arguments which that Commission used hold good to-day, and it is not proper for my Honourable friend to summarily dismiss the poor man's argument which has been advanced on this side of the House. I maintain that Government are guilty of a serious departure in their policy. I do not think they are going to accede to our appeal in this behalf; it is therefore the duty of this House to record their protest in the only way we can do it, although the division may be lost.

(Several Honourable Members moved that the question be put.)

**Mr. President:** The question is that the question be now put.

The motion was adopted.

**Mr. President:** There are five amendments before the House. Two of them relate to letters and three to post cards. Those relating to letters are in the names of Mr. K. Ahmed and Dr. Gour and the three relating to post cards are in the names of Mr. Schamnad, Sardar Mutalik and Dr. Gour. I will put them one by one.

**Diwan Bahadur M. Ramachandra Rao:** May I ask you, Sir, to put the post cards amendment first to the House.

**Mr. President:** If that is the general desire, the Chair has no objection.

The question is:

"In Schedule I to the Bill, in the proposed First Schedule to the Indian Post Office Act, 1898, for the entries under the head 'Postcards' the following be substituted:

'Single	...	...	...	...	Quarter of an anna.
Reply	...	...	...	...	Half an anna'. "

The Assembly divided:

#### AYES—28.

Ahmad Ali Khan, Mr.  
 Ahmed, Mr. K.  
 Aiyangar, Mr. K. Rama.  
 Alimuzzaman Chowdhry, Khan  
 Bahadur.  
 Chanda, Mr. Kamini Kumar.  
 Dalal, Sardar B. A.  
 Das, Mr. B.  
 Deshmukh, Mr. R. M.  
 Ghazanfar Ali Khan, Raja.  
 Ghose, Mr. S. C.  
 Ghulam Bari, Khan Bahadur.  
 Gour, Sir Hari Singh.  
 Hyder, Dr. L. K.  
 Ismail Khan, Mr.

Jinnah, Mr. M. A.  
 Joshi, Mr. N. M.  
 Lohokare, Dr. K. G.  
 Mahmood Schamnad Sahib Bahadur,  
 Mr.  
 Malaviya, Paudit Madan Mohan.  
 Mutalik, Sardar V. N.  
 Neogy, Mr. K. C.  
 Pal, Mr. Bipin Chandra.  
 Ramachandra Rao, Diwan Bahadur M.  
 Rangachariar, Diwan Bahadur T.  
 Sarda, Rai Sahib M. Harbilas.  
 Talatuley, Mr. S. D.  
 Venkatapatiraju, Mr. B.  
 Yakub, Maulvi Muhammad.

## NOES—42.

Abdul Qaiyum, Nawab Sir Sahibzada.  
 Ajab Khan, Captain.  
 Akram Hussain, Prince A. M. M.  
 Bajpai, Mr. R. S.  
 Bhore, Mr. J. W.  
 Blackett, The Honourable Sir Basil.  
 Bray, Sir Denys.  
 Burdon, Mr. E.  
 Calvert, Mr. H.  
 Carey, Sir Willoughby.  
 Clow, Mr. A. G.  
 Cocke, Mr. H. G.  
 Crawford, Colonel J. D.  
 Donovan, Mr. J. T.  
 Gidney, Lt.-Col. H. A. J.  
 Gordon, Mr. R. G.  
 Graham, Mr. L.  
 Hezlett, Mr. J.  
 Hira Singh Brar, Sardar Bahadur  
 Captain.  
 Hudson, Mr. W. F.  
 Innes, The Honourable Sir Charles.  
 Jatar, Mr. K. S.

Lamb, Mr. W. S.  
 Lindsay, Sir Darcy.  
 Lloyd, Mr. A. H.  
 Macphail, The Rev. Dr. E. M.  
 Mitra, The Honourable Sir Bhupendra  
 Nath.  
 Muddiman, The Honourable Sir  
 Alexander.  
 Naidu, Rao Bahadur M. C.  
 Neave, Mr. E. B.  
 Owens, Lieut.-Col. F. C.  
 Rahman, Khan Bahadur A.  
 Rau, Mr. P. R.  
 Reddi, Mr. K. Venkataramana.  
 Roffey, Mr. E. S.  
 Sams, Mr. H. A.  
 Singh, Rai Bahadur S. N.  
 Stanyon, Colonel Sir Henry.  
 Tonkinson, Mr. H.  
 Vernon, Mr. H. A. B.  
 Vijayaraghavacharyar, Sir  
 Tiruvalangadi.  
 Willson, Mr. W. S. 'J.

The motion was negatived.

**Mr. President:** The question is:

"That in Schedule I to the Bill, in the proposed First Schedule to the Indian Post Office Act, 1898, for the entries under the head 'Letters' the following be substituted:

'For a weight not exceeding one tola ... Half an anna,  
 For a weight exceeding one tola but not exceed-  
 ing two tolas and a half ... Three quarters of an anna'."

The motion was negatived.

**Mr. President:** The question is:

"That in Schedule I to the Bill, in the proposed First Schedule to the Indian Post Office Act, 1898, under the head 'Letters' the following new entry be inserted:

'For a weight not exceeding half a tola ... Half an anna'."

The motion was negatived.

**Mr. President:** The question is:

"That in Schedule I to the Bill, in the proposed First Schedule to the Indian Post Office Act, 1898, for the entries under the head 'Postcards' the following be substituted:

'Single ... One pice and a half,  
 Reply ... Three pice'."

The motion was negatived.

**Mr. President:** The question is:

"That in Schedule I to the Bill, in the proposed First Schedule to the Indian Post Office Act, 1898, under the head 'Postcards' after the word 'Single' the words 'or letter card' be inserted."

The motion was negatived.

Schedules I and II were added to the Bill.

Clause 1 was added to the Bill.

The Title and the Preamble were added to the Bill.

**The Honourable Sir Basil Blackett:** Sir, I beg to move that the Bill be passed.

**Diwan Bahadur T. Rangachariar:** Sir, I cannot but express regret that we have not been able to effect any improvement in the Finance Bill, and it is a thousand pities that notwithstanding the appeal made to the Treasury Benches, they have not yielded to the popular demand, and the regret, Sir, when I see the empty Benches behind me, is all the keener. I am sure if my Honourable friends, the elected Members of this Assembly, not only the Swarajists but also the Independents and others, had been present here to-day, we could have carried the amendment at least as regards the post card. It was a reasonable amendment, and we *could* have carried it, and I would have defied the Government to have restored it in another place. They would have lost all their position in this country.

**The Honourable Sir Basil Blackett:** The Provinces would have had to restore us the money.

**Diwan Bahadur T. Rangachariar:** I am sure the Government would not have dared to restore it. Therefore those elected Honourable Members who were absent to-day have failed in the discharge of their duties. It is not our fault that we have not been able to carry it. This is the first year in which we could have done something to relieve the general tax-payer: and we have failed to do it because the peoples' representatives have failed to be present on an important occasion like this. Sir, it cannot but be regretted that although we had to appeal, go down on our knees as it were to the Government, Government have failed, the peoples' representatives have failed, and it is no use blaming the constitution in this respect.

**The Honourable Sir Basil Blackett:** Sir, I should like just to point out to Mr. Rangachariar what a good representative of Madras he is. He is regretting very much that he could not carry an amendment that would have cut very nearly a crore of our surplus.

**Diwan Bahadur T. Rangachariar:** Certainly not.

**The Honourable Sir Basil Blackett:** I dare say it is possible the Government would have left it at that. The result would simply have been a loss of that amount to the provincial contributions, which is the last thing that we want to do! Our object is to get those provincial contributions down: that is an object which has the support of the whole of this House, and, if we are accused of being stiff and unwilling to yield, that is our answer. The Honourable Member talks about our capacity to provide money for reductions of the tax on the tax-payer. We are providing a crore and a quarter for the reduction of the provincial tax-payer's contributions. (*An Honourable Member:* "How?") By reduction of the provincial contributions. We are providing 1½ crores for the Provincial Governments. We have the support of the whole of the House in that policy. If we are told that we are unyielding, that we have given nothing away, Honourable Members will remember that we have given nothing away because we do not want to give away the provinces behind their backs.

**Mr. President:** The question is:

"That the Bill to fix the duty on salt manufactured in, or imported by land into, certain parts of British India, to repeal the Cotton Duties Act, 1896, to fix maximum rates of postage under the Indian Post Office Act, 1898, further to amend the Indian Paper Currency Act, 1923, to fix rates of income-tax, and to provide for the appropriation of certain monies for the purpose of the reduction or avoidance of public debt, be passed."

The motion was adopted.

The Assembly then adjourned till Eleven of the Clock on Wednesday, the 17th March, 1926.







# LEGISLATIVE ASSEMBLY.

Wednesday, 17th March, 1926.

The Assembly met in the Assembly Chamber at Eleven of the Clock, Mr. President in the Chair.

## QUESTIONS AND ANSWERS.

### APPOINTMENT OF A COMMISSION TO INQUIRE INTO THE STATUS AND PRIVILEGES OF THE LEGISLATIVE ASSEMBLY.

1293. **\*Maulvi Muhammad Yakub:** (a) Are Government aware that the Honourable Mr. K. C. Roy is going to move a Resolution in the Council of State, asking for the appointment of a Commission to inquire into the status and privileges of the Council?

(b) Do the Government propose to appoint a similar Commission as regards the Legislative Assembly?

**Mr. L. Graham:** (a) Government are aware that the Council of State on the motion of the Honourable Mr. K. C. Roy has passed a Resolution appointing a Committee to inquire into the privileges and status of Members of that Chamber.

(b) It is open to any Member of this Chamber to give notice of a Resolution in similar terms.

### MUSLIM REPRESENTATION ON THE ROYAL COMMISSION ON AGRICULTURE.

1294. **\*Maulvi Muhammad Yakub:** (a) Has the attention of the Government been drawn to a leading article published on page 2 of the *Muslim Herald*, dated the 7th March, 1926, as regards Muslim representation on the Royal Commission on Agriculture?

(b) Do the Government propose to consider the question of Muslim representation on the Commission when its personnel is under discussion?

(No answer was given owing to the absence of Mr. J. W. Bhore.)

**Mr. President:** The Honourable Member for Government ought to be present here to answer the question.

**The Honourable Sir Alexander Muddiman:** I regret very much he is not here, Sir.

### GRANT OF PERMISSION TO MR. FYZEE RAHMIN TO PAINT A ROOM IN THE NEW SECRETARIAT AT RAISINA.

1295. **\*Mr. B. Das:** Will Government be pleased to state whether Mr. Fyzee Rahmin has been allowed to paint a room in the New Secretariat? If so, will Government be pleased to state whether Government have

decided to bear its expenditure? What are the conditions and period of Mr. Fyzee Rahmin's employment? Is it true that the wall space previously reserved for mural painting has now been filled up with stone because the New Capital Committee have failed to find competent artists in India?

**The Honourable Sir Bhupendra Nath Mitra:** The answer to the first part of the question is in the affirmative, and to the second part in the negative. With regard to the third part, Mr. Fyzee Rahmin has been permitted to paint one of the rooms, and has made his own arrangements with regard to the expenditure incurred. No period of time has been laid down.

The answer to the fourth part of the question is in the negative.

#### REPLACEMENT OF INDIAN TRAIN CONDUCTORS BY EUROPEANS AND ANGLO-INDIANS ON THE GREAT INDIAN PENINSULA RAILWAY.

1296. **\*Dr. K. G. Lohokare:** Will Government be pleased to say :

- (1) if the Indian train conductors on the Bombay Poona mail and express trains have recently been replaced or are about to be replaced by European and Anglo-Indian conductors on higher salaries? If so, what are the reasons?
- (2) if the amount of collections of excess fares by the Indian conductors had substantially increased during the last few years as compared with years before?
- (3) if there were any complaints against these conductors from any passengers as regards want of civility and attention to passengers?
- (4) if any more posts for chief or high salaried travelling ticket inspectors have been recently created on the Great Indian Peninsula Railway?
- (5) if these posts are being filled by Europeans and Anglo-Indians?
- (6) if the Great Indian Peninsula Railway authorities are satisfying the needs of Indianisation in this branch of service?
- (7) what are the reasons for overlooking the claims of Indians already working as chief or senior travelling ticket inspectors and for recruiting fresh Europeans and Anglo-Indians in such appointments?

**The Honourable Sir Charles Innes:** The only information the Government have in regard to the points raised by the Honourable Member is that five appointments were created recently in connection with ticket examination on the Poona mail. Of these five appointments only two were given to Europeans.

**Dr. K. G. Lohokare:** Are the Indian train conductors on the Poona express being replaced by Europeans or Anglo-Indians?

**The Honourable Sir Charles Innes:** I am sorry I have got no information other than what I have given to the Honourable Member.

## THE INDIAN COTTON INDUSTRY (STATISTICS) BILL.

**The Honourable Sir Charles Innes** (Member for Commerce and Railways): Sir, I beg to move that the Bill to provide for the regular submission of returns of quantities of cotton goods and cotton yarn produced in British India be taken into consideration.

I do not think I need say very much in explanation of this Bill in addition to what I said when I moved for its introduction. As the House knows the Finance Bill which we passed yesterday repeals the Cotton Duties Act. Under that Act we have for many years collected statistics in regard to the cotton trade. It is absolutely essential that we should continue to collect those statistics, and the Bombay millowners, whom we have consulted, have agreed that this House ought to pass a Bill to provide for the regular submission of these statistics which are essential both for the Government and for the trade itself, in order that we may watch the progress of this great industry. Sir, I move that the Bill be taken into consideration.

The motion was adopted.

**Mr. President:** The question is:

"That clause 2 do stand part of the Bill."

**The Honourable Sir Charles Innes:** May I suggest, Sir, for your consideration that we should take clause 3 first since it is the operative clause. If my amendment to clause 3 is made, all the rest will be consequential amendments.

**Mr. President:** The question is:

"That clause 3 do stand part of the Bill."

**The Honourable Sir Charles Innes:** Sir, I beg to move:

"That in clause 3:

(i) in sub-clause (1) for the words 'all the cotton goods produced from or in, and of' the words 'all cotton goods manufactured and' be substituted; and

(ii) in sub-clause (2) for the word 'produced' the word 'manufactured' be substituted."

The explanation, Sir, for this amendment is this. Under the Cotton Duties Act, excise duty was levied on all goods produced in a mill and there was an explanation explaining that by the word "produced" was meant delivered out of the mill premises. Delivered out of the mill may be delivery to a ware-house or sending upcountry for sale or in any other way. The Bombay millowners have suggested that we should now definitely go for statistics of manufacture, that is to say, instead of collecting statistics of goods delivered out of the mill we should straightaway get statistics of goods manufactured during the month in each mill. I think, Sir, those statistics would be much more useful, and we agree that that suggestion should be accepted. Sir, I move the amendment.

The motion was adopted.

Clause 3, as amended, was added to the Bill.

Clause 4 was added to the Bill.

**Mr. President:** The question is:

“That clause 5 do stand part of the Bill.”

**The Honourable Sir Charles Innes:** Sir, I beg to move:

“That in clause 5, for the words ‘production of goods and yarn’ the words ‘quantities of goods manufactured and of yarn spun’ be substituted.”

This, Sir, is a mere consequential amendment.

The motion was adopted.

Clause 5, as amended, was added to the Bill.

Clause 6 was added to the Bill.

**Mr. President:** The question is:

“That clause 7 do stand part of the Bill.”

**The Honourable Sir Charles Innes:** Sir, I beg to move:

“That in clause (a) of sub-clause (1) of clause 7, for the words ‘or hook or’ the words ‘of manufacture or’ be substituted.”

This is another consequential amendment, Sir.

The motion was adopted.

Clause 7, as amended, was added to the Bill.

Clauses 8 and 9 were added to the Bill.

**Mr. President:** The question is:

“That clause 2 do stand part of the Bill.”

**The Honourable Sir Charles Innes:** Sir, I beg to move:

“That in clause 2:

- (i) the word ‘and’ be added at the end of sub-clause (d);
- (ii) the word ‘and’ at the end of sub-clause (e) be omitted; and
- (iii) sub-clause (f) be omitted.”

This is another consequential amendment.

The motion was adopted.

Clause 2, as amended, was added to the Bill

Clause 1 was added to the Bill.

**Mr. President:** The question is:

“That this be the Title and Preamble to the Bill.”

**The Honourable Sir Charles Innes:** Sir, I beg to move:

“That in the Title to the Bill, for the words ‘cotton goods and cotton yarn produced’ the words ‘cotton goods manufactured and cotton yarn spun’ be substituted.”

“That in the Preamble to the Bill for the words ‘cotton goods and cotton yarn produced’ the words ‘cotton goods manufactured and cotton yarn spun’ be substituted.”

The motion was adopted.

The Title and the Preamble, as amended, were added to the Bill.

**The Honourable Sir Charles Innes:** Sir, I beg to move that the Bill, as amended, be passed.

The motion was adopted.

## THE LEGAL PRACTITIONERS (FEES) BILL.

**The Honourable Sir Alexander Muddiman** (Home Member): Sir, I beg to move that the Bill to define in certain cases the rights of legal practitioners to sue for their fees and their liability to be sued in respect of negligence in the discharge of their professional duties, be taken into consideration.

Sir, as I explained at the time when I moved for leave to introduce the Bill, this Bill is based on the recommendation of the Bar Committee. The recommendation is a short one and I will read it to the House. It runs as follows:

“In practice the distinction relating to suing for negligence and being sued for fees is not of great importance. Suits by or against legal practitioners in respect of fees and the conduct of cases are extremely rare. But we consider that in any case in which a legal practitioner has ‘acted’ or agreed to ‘act’ he should be liable to be sued for negligence, and entitled to sue for his fee.”

Now, as the House is aware, the distinction between pleading and acting is one which has been recognised by the English law. A barrister in England receives in return for his services an honorarium. That is a voluntary fee. He has no right to sue for it and in this country at any rate he generally takes precautions of receiving it before he goes into the court. (Laughter.) On the other hand, a solicitor, whose reward is “merces”, has a right to sue and is also liable to be sued for his negligence. The distinction probably comes from the time of the Roman Law. The Bill gives effect to the proposal of the Bar Committee, and is of a simple character, and I trust the House will take it into consideration without any further delay. I move it, Sir.

The motion was adopted.

Clause 2 was added to the Bill.

Clauses 3, 4, 5 and 6 were added to the Bill.

Clause 1 was added to the Bill.

The Title and the Preamble were added to the Bill.

**The Honourable Sir Alexander Muddiman:** Sir, I move that the Bill be passed.

The motion was adopted.

## THE CODE OF CIVIL PROCEDURE (SECOND AMENDMENT) BILL.

**Mr. H. Tonkinson** (Home Department: Nominated Official): Sir, I move that the Bill to amend the law relating to the appointment of legal practitioners in civil suits and for this purpose further to amend the Code of Civil Procedure, 1908, be taken into consideration.

The provisions of this Bill are explained in the Statement of Objects and Reasons and I explained them still further when I moved for leave to introduce it. It proposes to abolish the existing discrimination between Advocates and other legal practitioners in regard to the filing of a *vakalat-nama*. It follows certain recommendations of the Indian Bar Committee. Those recommendations are summarised at length in the Statement of Objects and Reasons and in that Statement I have also indicated the

[Mr. H. Tonkinson.]

manner in which we depart from those recommendations. I believe that in all the cases in which we have departed from the recommendations of the Bar Committee, the Members of this House will approve of the departures which we have made. I do not know how far it is advisable or necessary for me to go further in explaining the provisions of the Bill. As regards these departures, however, I should like to draw the attention of Honourable Members to the departures made by sub-rule (3) of proposed rule 4 which will be inserted in Order III of the Schedule to the Code of Civil Procedure by clause 2 of the Bill. In that sub-rule we follow, I may say, provisions which are now in force in Bombay under the Bombay Pleaders Act for Bombay only and also further provisions which are in force in Madras under rules made by the Madras High Court for Madras only. Under sub-rule (2) an appointment filed remains in force until the proceedings in the suit are ended so far as regards the client. Under sub-rule (3), however, certain proceedings in regard to the suit which may take place after the making of the decree are treated as being proceedings in the suit for the purposes of this particular rule. I do not think it is necessary to make any further remarks at this stage. Sir, I move.

The motion was adopted.

Clause 2 was added to the Bill.

Clause 3 was added to the Bill.

Clause 1 was added to the Bill.

The Title and the Preamble were added to the Bill.

**Mr. H. Tonkinson:** Sir, I move that the Bill be passed.

The motion was adopted.

### THE INDIAN DIVORCE (AMENDMENT) BILL.

**Mr. H. Tonkinson** (Home Department: Nominated Official): Sir, I move that the Bill further to amend the Indian Divorce Act be taken into consideration.

In connection with this Bill, Sir, I have but little to add to what I stated when I moved for leave to introduce it. There are, however, a few points which I think I should make. In the first place, I would like to refer to the extent of the possible application of the Indian Divorce Act, that is, to what classes of persons does it form part of their statutory personal law. It applies directly to matrimonial causes when the petitioner professes the Christian religion. It also applies indirectly by reason of the provisions of section 17 of the Special Marriage Act to suits for dissolution of marriage and suits for nullity of marriage between persons who have been married under that Act.

The next point to which I wish to refer is as regards the Parliamentary legislation to which I alluded when I moved for leave to introduce the Bill. I then said that His Majesty's Government had decided to introduce in Parliament legislation to empower certain courts in India to make decrees of dissolution of marriage if the parties are domiciled in Scotland or in

England. That is to say, after that legislation has been passed, such decrees granted by duly empowered courts will be recognised by the courts of the domicile of the parties. I find, however, from the printed report that I failed to state that the Secretary of State has authorised us to state that he intends to introduce the Bill in the House of Lords very shortly and he hopes to secure its passage into law during the course of the present session of Parliament. That, I submit, is a very important point when we remember the difficulties which are always experienced in Parliament in securing the passage of legislation amending the law relating to matrimonial causes. This point also is important in respect of certain further amendments to our divorce law which have been included in notices which are on the agenda paper. This follows because the legislation in Parliament may necessitate or may make it desirable in the future to amend our divorce law in other respects. For example, the legislation in Parliament, as at present proposed, will confine jurisdiction in the case of parties domiciled in England or Scotland to our Chartered High Courts. That, I think, is important with respect to the amendments proposed by my Honourable friend, Sir Henry Stanyon. Again, the form of Parliamentary legislation may make it desirable in other respects to amend our law, but it is unnecessary for me to indicate such points further.

Another point which I wish to make is that this Bill merely restricts the powers of our courts to grant decrees to cases in which the persons are domiciled in India. It is confined to that single object. We wish to prevent the scandal which arises when our courts in India grant decrees which they recognise as valid in British India. It has even been said, though we cannot be definite on this point, that the decrees will only be recognised as valid in the Punjab and will not be recognised in the provinces of Agra or Bombay or in Burma. This being so, when such decrees are granted, the status of the persons affected is changed. Instead of being man and wife they become strangers so far as British India is concerned, but they are still regarded as man and wife in the country of the man's domicile. The scandal which may arise is, I take it, obvious to all Honourable Members. The man or woman may marry again. That marriage is regarded as bigamous in England but valid in India, and the children are illegitimate in England but are legitimate in India, and of course further difficulties may follow in regard to succession to property and so on.

A reason why I hope there will be no delay in passing this Bill is that it may facilitate the passing of Parliamentary legislation in England. I have already referred to the difficulties always experienced in making amendments to laws affecting matrimonial causes in Parliament. If we pass this Bill now I think those difficulties in this case will be lessened. It will be remembered that as stated in the Statement of Objects and Reasons after the decision in *Keyes vs. Keyes and Gray*, Parliament did pass the Indian Divorces (Validity) Act in 1921. That was a measure intended to do away with the scandal to which I have referred, in regard to causes which had begun before the passing of the Act. By the passing of the present Bill we shall be stopping further scandals and doing our part. I think Parliament can expect this of us. The decision in *Keyes vs. Keyes and Gray* was given on the 10th March 1921, and the Indian Divorces (Validity) Act became law on the 1st July 1921. Parliament acted therefore with very great promptitude in validating past decrees and decrees which might issue in proceedings which had already started. Since the

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decision in *Keyes vs. Keyes and Gray*, the Government of India have had a large amount of work to do in connection with this question, but we could certainly have introduced a small Bill of the character of the Bill now before the House long ago. The reason why we took no such action was because of those cases to which I referred when moving for leave to introduce, namely, cases of men domiciled in England or Scotland who come to India and marry ladies domiciled in India. The lady thereupon acquires the domicile of her husband but she may be deserted here, etc., and she would be unable to obtain in India any decree of dissolution of marriage valid in India, though that may be all that she requires, as she may never wish to leave this country. That is the reason why we have delayed in taking any action in regard to this point. Now that we have the Secretary of State's promise in regard to legislation in England, to which I have referred, I think it is only reasonable that we in India should do our part in preventing future scandals as expeditiously as Parliament did its part in 1921.

Sir, I move.

**Sir Hari Singh Gour** (Central Provinces Hindi Divisions: Non-Muhammadan): Sir, I had given notice of two amendments, one was that the Bill be referred to Select Committee, and the other was the amendment of section 2 by inserting the words "or respondent" after the words "the petitioner". After the very lucid statement made by Mr. Tonkinson I shall not press either of my motions, but as Parliamentary legislation is contemplated I wish to crave the indulgence of the House while offering a few remarks for what they may be worth.

The Honourable the Mover of this motion is perfectly right in saying that there must be uniformity of law in England and in India, and for the matter of that, throughout the civilised world. It is a scandal that a person who is divorced by the courts in this country is regarded as no longer subject to the divorce decree of the Indian courts when he goes to England, and it is therefore necessary that some international compact should be arrived at between the various parts of the British Commonwealth whereby the decrees of one court will be recognised throughout the British Empire. But that, Sir, is a large question. As far back as 1918 the Imperial Conference wished to establish an Imperial Court of Appeal for the purpose of determining all questions which would be binding and valid throughout the British Empire; but this proposal never took any practical shape or form in view of the attitude of the major Colonies. But so far as the present question is concerned I have a few observations to make.

Honourable Members will remember that the Indian Divorce Act was passed in 1869. At that time the English law was incorporated in the Indian Divorce Act and under section 7 of the Indian Divorce Act it was laid down that in administering that law the principles and rules of the English law shall be applicable and applied to cases before the Indian courts. Now, Sir, the English law as then understood, and in fact, as it has been understood or was understood from 1857 down to 1895, was that the English courts had jurisdiction to grant divorce in cases where the parties were merely resident within their territorial jurisdiction—in other words, that residence was the test of jurisdiction; but in a colonial appeal from Ceylon known *Le Mesurier vs. Le Mesurier* reported in 1895, Appeal Cases page 517, the Lords of the Privy Council for the first time held that



the rule as to jurisdiction for divorce *a vinculo* was based on domicile and not merely on residence. But the language used by Their Lordships—and it is considered language after a review of all case law on the subject—is contained in the following words: I read from page 540:

“ Their Lordships have in these circumstances and upon these considerations come to the conclusion that according to international law the domicile for the time being of the married pair affords the only true test of jurisdiction to dissolve their marriage.”

The language is not that domicile is the test of jurisdiction but domicile for the time being of the married parties affords the true test of jurisdiction. Reading very carefully the long report of this case it would appear that Their Lordships were trying to adapt the Scotch law as to matrimonial domicile to the English principle and that they used the term “ domicile for the time being ” as somewhat wider than the strict term “ domicile ” as it is known to *jus gentium* or international law. I venture to suggest that in any Parliamentary legislation that may yet take place this view should not be lost sight of, because, Sir, as has been pointed out in this House in connection with another Bill, the question of domicile is a very difficult question and it may be that the person has no fixed domicile within the strict letter of the law in one country but has a domicile for the time being, to use the language of Their Lordships of the Privy Council, which would answer the test which Their Lordships laid down as necessary for the purpose of giving jurisdiction to municipal courts for granting divorce. This case, Sir, has been followed by the Court of Appeal, and it must be regarded now as for the time being the last word on the subject.

The Honourable Mr. Tonkinson referred to the case of *Keyes vs. Keyes and Gray*, which is reported in the Law Reports, 1921, Probate, page 204. In that case the facts were as follows. The parties who had an English domicile but resided in India, were divorced by the Punjab Chief Court, as it then was, and the question arose whether the decree of the Punjab Chief Court granting a divorce was binding upon the English courts. Now, Sir, if Sir Henry Duke, the learned President of that Court had merely confined himself to following the case of *Le Mesurier vs. Le Mesurier* and said that as the law applicable in India is different to the law applicable in England a decree passed by an Indian court cannot be regarded as a valid decree in England, that I submit would have certainly satisfied me so far as the important point at issue in that case is concerned. But the learned President went further and began to examine the terms of the Indian Councils Act now incorporated in the Government of India Act and laid down somewhat broadly a proposition of law to which I submit every Member of this House must justly take exception. He went on to say that the Indian legislature had no authority to make laws affecting the status of British subjects not domiciled in India, and that, therefore, it could not confer upon the courts jurisdiction to divorce such persons. In other words, the decree of the Punjab Court was *ultra vires* and therefore wholly void. Now, Sir, whatever may be the limitations of the Indian courts regarding the law of divorce, I venture to submit that the powers of the Indian Legislature as laid down in old section 22 of the Indian Councils Act, incorporated in the existing Government of India Act, leave no doubt in my mind that the power of the Indian Legislature to confer jurisdiction on all courts in respect of all persons and property is unfettered and unlimited by any provision either of that Act or any other Act of which I am aware. There is no doubt a proviso appended to section 22, but Sir Henry Duke pointed out that that proviso

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was not germane to the discussion which arose in the case before him. See page 216. Now, Sir, I would invite the attention of Government to this second dictum. Is it the view of the Government that the power of the Indian Legislature is limited and circumscribed in the manner described by Sir Henry Duke? I am aware of the fact that the India Office was represented before the learned President of the Divorce and Probate Court Division. I am also aware of the fact that he only came in, as it were, by a side door as he was allowed to argue the case for India as *amicus curiæ*. There was no appeal against that decision; and in view of the fact that it is the judgment of a single Judge, however, learned and however eminent, some steps should have been taken by the India Office to vindicate the position of the Indian Legislature as regards its power of legislation. It is in view of that observation made, which, I submit, was not necessary for the decision of the case, that we find some conflict since arising in the decisions of the Indian courts. The question was considered by a full Bench of the Punjab High Court in the case of *Lee vs. Lee* reported in 5 Lahore, page 547, where Their Lordships upheld the authority of the Indian Legislature to legislate for all persons and things and to confer upon the Indian courts, if so advised, jurisdiction in respect of such persons and things. It has been further laid down in 40 Calcutta, page 215, that under the existing Indian Divorce Act it was competent for a court in India to grant a decree which would be valid throughout India. There are two cases which stand on the other side of the line. Those are the cases reported in 47 Bombay, page 843, and 1 Rangoon, page 705—a Full Bench decision. There it is laid down by the learned Judges that the courts in India had no jurisdiction to grant divorce to persons not domiciled in British India. But in the Bombay case Mr. Justice Crump, dissenting from Sir Norman Macleod, Chief Justice, and Mr. Justice Marten, held that it had power to grant divorce based on residence which would be good and valid in India. In so holding he upheld the view of the Calcutta High Court . . . . .

Colonel Sir Henry Stanyon (United Provinces: European): And the Punjab High Court.

Sir Hari Singh Gour: And the Punjab High Court. Now, Sir, there is a conflict and I recognise that conflict. On that ground I heartily welcome the motion that has been made by the Honourable Mr. Tonkinson that this Bill be taken into consideration; and I further welcome the amendment which he has since made to his original Bill. That amendment will be moved immediately and I certainly shall support it. There is only one word that I should like to say with reference to that amendment. As the law at present stands, under section 2 of the Indian Divorce Act, clause 2, it is provided that nothing hereinafter contained shall authorise any court to grant any relief under this Act, except in cases where a petitioner professes the Christian religion. As I have pointed out, this Act was passed in 1869. Some three years later the Indian Legislature passed an Act known as the Indian Christian Marriages Act, and in that Act it is laid down that in order to validate a marriage under that Act, only one party to the marriage need be a Christian. Consequently under that Act a valid marriage may be contracted by a Christian with a non-Christian.

Now, Sir, that being the position, I ask this House to consider what would be the position, if the Indian Divorce Act was not amended and the Christian petitioner only is permitted to obtain a divorce. What becomes of the party to the marriage? That is a position which I submit creates a real anomaly which I, Sir, in my amendment, of which I have given notice, have striven to remove. It does not merely raise an academic question, as Honourable Members are aware. I happened to be in Rangoon and several leading members of the Bar approached me there and said: "There are a lot of marriages taking place in this province between Burmans and Europeans. The Indian Christian Marriage Act permits such marriages. Such marriages are perfectly good and valid marriages under the statutory law of this country, but when it comes to divorce, the Indian Divorce Act insists upon giving relief only to the petitioner if he or she happens to be a Christian, and the other party to the marriage is deprived of the benefit of the divorce law." I draw the attention of Government to this anomaly, and if it cannot be rectified in this Bill, I still hope that an early opportunity will be taken by the Government to remove it. If such an assurance is forthcoming I certainly will not intervene in the immediate passage of this Bill through this House.

There are two or three points which I wish to make in view of the pending legislation. My friend Sir Henry Stanyon, astute lawyer as he is, has given notice of a very valuable amendment, and that is to the effect that you must define domicile or describe it as far as you can. He suggests that the term "domicile" in the Indian Divorce Act might be defined in the terms in which it is defined in the Indian Succession Act. I submit that is an amendment well worthy of consideration. I realise the difficulty of defining the term "domicile" and the Privy Council also appear to have been confronted with the same difficulty, for while they passed in review the then existing case law on the subject, they did qualify the word "domicile" by these pregnant words "for the time being", which makes me believe, Sir, that Their Lordships of the Privy Council were trying to put a wider construction upon the term "domicile" than might be if the term is used as it is proposed to be used in the Bill before this House without those enlarging words. I, therefore, ask the Government to consider whether it is not possible to make a statutory definition in accordance with the somewhat wider description which Their Lordships of the Privy Council gave currency to in *Le Mesurier v. Le Mesurier*.

Now, Sir, the Honourable Mr. Tonkinson is well aware of the difficulties which will confront the courts in India in dealing with the law of divorce. If a person domiciled in England is resident in India and has made India his second home, it may be that his domicile is still England, but his second home is in this country. Now, if we were to restrict the granting of relief by the Indian court only according to domicile pure and simple, the person who has made India his second home would be deprived of the benefit of obtaining divorce in this country. I would not have set much store by this objection were it not for the fact that the law of divorce is intimately connected with other ancillary matters such as settlements, costs, alimony, damages, custody of children and succession to property. All these questions are interlinked, and let me give to the Honourable occupants of the Treasury Benches an illustration. I have assumed that a married couple, technically domiciled say, in England and married in England, have for all practical purposes migrated to this country and have settled down here and made India their second home, and there is a very considerable body

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of people who answer to that description. Now if there is necessity of having recourse to the law of divorce, the petitioner must go to England and he must get a divorce there. The evidence is in India, the property is in India, the children are in India, and in order to obtain a mere paper decree in England the petitioner will have to cross the four seas, obtain a decree there and then. What relief is he likely to get? The relationship between husband and wife would be terminated in England, and I take it that though there is no statutory means at present for the recognition of the decree of the English courts, the Indian courts will recognise the fact that they have ceased to be husband and wife by a decree of a statutory court in England. But then in India there are other questions, questions with reference to the matters I have just now mentioned. Another suit would become necessary and as there is no such thing as *res judicata* in India in respect of matters decided in England, the same matter consequently will have to be re-agitated in this country for the determination of the other questions which are. I submit, in many cases a necessary sequel to a decree for divorce. The case might even be more complicated if the decree be the decree of an Indian court and it has to be enforced in England. I need not point out a somewhat small objection that a decree is only a decree *nisi* and after six months it is made absolute. That is a small point to be added to the points I am making in connection with the main question whether some facility should not be given either by Parliamentary legislation or otherwise. It is because these questions are tormenting me that I gave notice of my amendment that the matter be referred to a Select Committee, where a full and free discussion across the table might lead to a satisfactory solution of all these questions. But I have acceded to the appeal of the Honourable Mr. Tonkinson that this is an urgent matter. Therefore, I shall be the last person to delay the further progress of this Bill. There are a few more observations which are of a technical character with which I do not wish to weary the House. I shall, therefore, rest content with supporting the motion moved by the Honourable Mr. Tonkinson.

**Colonel Sir Henry Stanyon:** On behalf of my constituency, the Europeans of the United Provinces, I warmly welcome this Bill. I have very few remarks to make in addition to what has already been said by the Honourable the Mover and by my friend Sir Hari Singh Gour. There is no doubt that at present the most serious feature is the difference of opinion that has grown up in India in the several High Courts. I do not myself attach any importance to the idea that a decree given under the Indian Divorce Act may be valid in one province and not valid in another. If the decree is given by a High Court under an Act applicable to the whole of British India then, if it is a decree of divorce, it becomes a judgment *in rem*; and, under section 41 of the Indian Evidence Act it is conclusive at least in India with regard to the personal status which it confers on, or takes away from, any person. It is not for, say, the Allahabad High Court to declare that the interpretation of the enactment given by the Lahore High Court and the Calcutta High Court is so incorrect that those High Courts are not competent to pass such a decree. I do not attach any importance to that apprehension. With regard also to decrees of the Probate and Divorce Division of the English courts based on what is now in England the test of jurisdiction, namely, domicile, I have no fear like my friend Sir Hari Singh Gour, of invalidity being given to those decrees in this country.

Section 41 of the Evidence Act is equally applicable to those decrees. Section 41 reads:

“A final judgment, order or decree of a competent court.”

—and the English court is undoubtedly competent in the case of persons domiciled in England—

“in the exercise of probate, matrimonial, admiralty or insolvency jurisdiction . . . shall be conclusive proof that any legal character which it confers accrued at the time when such judgment, order or decree came into operation; that any legal character to which it declares any such person to be entitled accrued to that person at the time when such judgment, order or decree declares it to have accrued to that person; that any legal character which it takes away from any such person ceased at the time from which such judgment, order or decree declared that it had ceased or should cease.”

The only question of difficulty besides this difference of opinion in our own High Courts is with regard to the position of Indian decrees of dissolution of marriage in England. From 1869 to 1921 they were never questioned. The Indian enactment undoubtedly clearly (with all respect to those who differ from me), without a possibility of any other reasonable interpretation, makes mere residence, and certain other points, such as the profession of Christianity and so on, the test of jurisdiction. In *Keyes v. Keyes* we had the case of a person domiciled in England but serving in India, married in India to a wife who committed adultery in India with another officer domiciled in England but also serving in India. The Lahore High Court, in my humble judgment perfectly correctly, granted a decree of divorce. The English court for the first time refused to recognise that decree as valid. Now the English court was in a certain difficulty. In England also we have the law with regard to judgments *in rem* and the ordinary rule is this, that where the judgment *in rem* is pronounced by a court which is competent under the *lex loci* to pass such a decree, that will be a valid decree in England. I may point out that Dicey in his work on the *conflict of laws* has expressed, though with some hesitation, the opinion that decrees granted by Indian courts upon the basis of residence in India have extra-territorial validity. I have no wish to go as far as that. The English courts have now laid down definitely that domicile alone shall be the test of jurisdiction. My friend Sir Hari Singh Gour made reference to a broader use of the term in *Le Mesurier v. Le Mesurier*, which is the leading case on the point, but it is now settled law that the domicile must be a real and genuine domicile. Nothing less than a domicile in the fullest sense of the term will suffice. It is not sufficient for the parties to consent to the jurisdiction of the English courts either expressly or impliedly by their conduct. They cannot by such submission give the courts a jurisdiction which they would not otherwise possess. The English law of domicile has been very largely reproduced in our Indian Succession Act. There is a domicile of birth. There is a domicile of choice which may be acquired, replacing that of birth. But this point is settled that a man always has a domicile, and only one domicile at a time all through his life. He cannot have a double domicile. That is the position in England and I was anxious that so far as the law of domicile goes, the courts in India should, as nearly as possible, follow the same principles as the courts in England. That is why I introduced the Indian Succession Act definition into my amendment, but there is another point. In England once the fact of domicile at the date of the petition (or as Sir Hari Singh Gour quite correctly calls it “domicile for the time being”) is established, it is immaterial if the marriage which it is sought to have dissolved was contracted elsewhere than in England, or that the parties at the time of the marriage were domiciled abroad, or

[Colonel Sir Henry Stanyon.]

that the parties are not British subjects or reside out of the jurisdiction, or that the misconduct alleged took place abroad. That is supported by a succession of well known cases in English law. Therefore the position of the English courts is this. It has been very well stated in Lord Halsbury's *Laws of England* (Vol. 6, p. 267) in these words:

"As the English courts themselves claim no jurisdiction to dissolve the marriage of persons not domiciled in this country, so also they refuse to admit that anything short of domicile can give the foreign court jurisdiction to decree a divorce which will be valid in England and will carry with it the necessary legal consequences in this country. The court of a foreign country may of course claim to exercise the right of dissolving the marriage of persons subject to their jurisdiction without regard to any question of domicile and no English court would deny that, within the limits of the foreign court's jurisdiction, a decree of divorce so pronounced would be good and valid. To hold otherwise would be to dictate to a foreign country the principles which it should adopt in the administration of its own municipal law; but to a divorce so pronounced the English courts would deny a validity outside the jurisdiction which granted it."

As I have pointed out, in the case of *Keyes vs. Keyes and Gray*, the Honourable the President of the English Divorce Court, while  
 12 NOON. quite within the purview of the law of England in refusing to recognize as valid in England the decree of the Lahore High Court on the ground that the parties, albeit resident and married in India, had an English domicile, went further and held that the Indian Legislature had no power under the Government of India Act of 1861 to give the courts in India any jurisdiction to dissolve the marriages of parties domiciled in England, and that therefore the Lahore decree was invalid everywhere. It is this *dictum* which has caused a conflict of opinion between the several High Courts in this country. Now, with the utmost respect I venture to affirm that the *dictum* was *ultra vires* of the English court, and was in fact an attempt to dictate to India the principles which it should adopt in the administration of its own municipal law. I am not concerned with the merits of the conflicting judgments which have issued from our courts. My own opinion is and always has been entirely in harmony with the view taken by the Calcutta High Court, the Lahore High Court in a Full Bench decision, and in the dissenting judgment of the Honourable Mr. Justice Crump in the Bombay High Court judgment. The judgment of the majority in the Bombay case is rather a peculiar judgment. The Honourable the Chief Justice held that the Legislature had no authority to give jurisdiction to the Indian courts. The Honourable Mr. Justice Marten held, as I understand from his somewhat long judgment, that the Indian Legislature had the authority but had not given it. So that even on that point the judges were divided. The Allahabad High Court, I understand, takes the Bombay view, but no judgment has yet been published in the Indian Law Reports. Well, as I have said, I am not concerned with the merits of the opinions. The point is one upon which there may be a difference of opinion. But having regard to the position of India in relation to England, the unsatisfactory nature of the law, under which a husband and wife in one country may be strangers in the other, is apparent; and the necessity of legislation in both countries to remove that incongruity is clearly indicated. My chief objection to this Bill is that, though it rightly introduces the rule of domicile as a test of jurisdiction, instead of substituting it for all those conditions which were necessary when residence alone was the test of jurisdiction, it has added it to them. Under the Bill as it stands the law would require that the petitioner should profess the Christian religion, that he should reside in India

at the time of presenting the petition, that he should also be domiciled in India at that time and that the marriage should have been solemnized in India. That is to say, that in our courts people, though domiciled in India, would be able to get no relief in divorce cases unless either they have also been married in India or the misconduct complained of was committed in India. That means that a person, domiciled in India, who marries a wife in England, if misconduct takes place outside of India, will have no remedy anywhere. But we have now the amendment of which the Honourable Mr. Tonkinson has given notice. If that is to be moved—if Government will give me an assurance that that is to be moved,—I shall not move my long amendment. My amendment is long because I sought to restrict the power to dissolve marriage,—to put an end to marriage,—to the High Courts; and that restriction necessitated a string of consequential amendments right through the Act. However, I agree it is much more important to get this Bill through than to go into a more or less side issue of that kind; and therefore, in any case, I should not move that part of my amendment. It would be wrong to take away the jurisdiction of District Judges until all the provinces had been consulted and all the communities likely to be affected had had an opportunity of stating their views. Then, so far as the definition of High Court is concerned, that amendment will come sooner or later. The Honourable Mr. Tonkinson has told us that this old Act, which is like an old Ford car that has been conditioned and reconditioned and is now only fit to be scrapped, will have to be dealt with later. But I shall certainly press by amendment of section 2 of the Act, except as to the reserving of power to the High Courts only, unless I am assured that the Government amendment of which notice has been given is to be moved. So far as the Parliamentary legislation is concerned we look forward to it. There is no question about this that the test of jurisdiction by domicile in many cases may be greatly inconvenient to many parties concerned in divorce litigation who may be resident in India. Having regard to the number of people with an English domicile who are resident in India the promised Parliamentary legislation in the direction stated will be of very real assistance. Sir, I welcome the Bill.

**The Honourable Sir Alexander Muddiman** (Home Member): Sir, I am sure the House has listened with great interest to the speeches of my Honourable friend Sir Hari Singh Gour and my Honourable friend Sir Henry Stanyon on this matter, which is of very great importance; but I am sure also the House will not expect me to follow them in all the erudite wanderings they have indulged in, nor will it expect me to follow them in their expert examination of the various judgments of the High Courts or of the case in England which gave rise to our immediate trouble. If it is necessary to do so, my Honourable friend Mr. Tonkinson who had made a special study of divorce law will take up those points.

I propose to deal with two practical issues that have been raised. The first is the question whether we intend to move the amendment of which we have given notice. I may assure my Honourable friend, Sir Henry Stanyon, that if he will allow the motion for consideration to be passed we will hasten to move the amendment in its proper place. The other point in which a practical issue was raised is the point raised by my Honourable friend Sir Hari Singh Gour. He has drawn attention to a portion of section 2 of the Indian Divorce Act which runs as follows:

“Nothing hereinafter contained shall authorise any court to grant any relief under the Act except in cases where the petitioner professes the Christian religion and resides in India at the time of presenting the petition.”

[Sir Alexander Muddiman.]

And he has pointed out, quite rightly I think, that there may be cases where the fact that it is essential that the proceedings can only be taken by the petitioner does give rise to cases of hardship. However, that is not a matter which is within the immediate scope of this Bill. I am quite prepared to consult Local Governments and other bodies as to whether it would not be desirable to meet those cases by including the words "or respondent" in the section. But obviously there must be consultation and examination before I can commit Government to any decided view. That is what I understand my Honourable friend has himself in mind. I must confess it does seem to me a practical difficulty which might well be examined. But he recognizes that we cannot delay the passage of this Bill to make that amendment, nor can we make that amendment without consultation. I trust that what I have said will satisfy him. On those two points, however, I trust I have reassured the Honourable Members who have spoken. I should like in this connection to express the thanks of Government to my Honourable friends Sir Henry Stanyon and Sir Hari Singh Gour for the assistance they have given in facilitating the passage of this Bill which is really of great importance to the European community.

**Mr. President:** The question is:

"That the Bill further to amend the Indian Divorce Act be taken into consideration."

The motion was adopted.

**Mr. H. Tonkinson:** Sir, I move:

"That for clause 2 of the Bill the following clause be substituted, namely:

'2. For the second, third and fourth paragraphs of section 2 of the Indian Divorce Act the following shall be substituted, namely:

'Nothing hereinafter contained shall authorise any Court to grant any relief under this Act except where the petitioner professes the Christian religion.

Or to make decrees of dissolution of marriage except where the parties to the marriage are domiciled in India at the time when the petition is presented.

Or to make decree of nullity of marriage except where the marriage has been solemnized in India and the petitioner is resident in India at the time of presenting the petition.

Or to grant any relief under this Act, other than a decree of dissolution of marriage or of nullity of marriage, except where the petitioner resides in India at the time of presenting the petition."

Sir, the proposals in clause 2 of the Bill as originally drafted would have added "domicile" as a test to those tests already included in section 2 of the Indian Divorce Act in regard to jurisdiction in cases of divorce *a vinculo matrimonii*. The sole purpose of my amendment is to do away with the other tests and to make, in so far as decrees of divorce *a vinculo* are concerned, domicile the only test; that is to say, so far as these decrees are concerned, we wish to give to our courts the same jurisdiction as the English courts exercise. Of course that only applies to people domiciled in India, and I think my Honourable friend, Sir Henry Stanyon, recognizes that so far as people domiciled in England or Scotland are concerned, some tests, in addition to domicile, of the nature contained in section 2 of the Act will be required. Sir, I move.



**Sir Hari Singh Gour:** Sir, I had given notice of an amendment, the nature of which I described in my speech; but in view of the sympathetic reply received from the Honourable the Home Member, I do not propose to move that amendment.

The motion was adopted.

Clause 2, as amended, was added to the Bill.

Clause 1 was added to the Bill.

The Title and the Preamble were added to the Bill.

**Mr. H. Tonkinson:** Sir, I move that the Bill, as amended, be passed.

**Mr. President:** The question is:

"That the Bill further to amend the Indian Divorce Act, as amended, be passed."

The motion was adopted.

### THE INDIAN FACTORIES (AMENDMENT) BILL.

**The Honourable Sir Bhupendra Nath Mitra** (Member for Industries and Labour): Sir, I move that the Bill further to amend the Indian Factories Act, 1911, as reported by the Select Committee, be taken into consideration.

Sir, the Select Committee have examined carefully the various provisions as they appeared in the original draft of the Bill and they have recommended certain modifications in the original provisions. There was practical unanimity in the conclusions arrived at in the Select Committee except in regard to three points. Two of these points, I notice, form the subject of amendments to be moved by my Honourable friend, Mr. Joshi, and I shall reserve my remarks in connection with those amendments until they are moved. For the present I have no observations to make. Sir, I move.

The motion was adopted.

Clause 2 was added to the Bill.

Clauses 3 and 4 were added to the Bill.

**Mr. N. M. Joshi:** Sir, I move:

"That after clause 4 of the Bill the following new clause be inserted:

'5. (1) In every factory a reasonable temperature shall be maintained.

(2) In the case of any factory in which, in the opinion of the inspector, a reasonable temperature is not maintained, the inspector may serve on the manager of the factory an order in writing, specifying the measures which he considers necessary to maintain a reasonable temperature, and requiring him to carry them out before a specified date.'

Sir, my amendment seeks to reinstate clause 5 of the original Bill. This clause the Select Committee in its wisdom omitted. The Report of the Select Committee and the minutes of dissent make it quite clear that the Members of the Government of India also did not approve of this omission. Sir, I was very surprised to find that the Honourable Member for the Department of Industries and Labour did not move an amendment in

[Mr. N. M. Joshi.]

conformity with the views expressed by him in his minute of dissent appended to the Report of the Select Committee. (*An Honourable Member*: "Pressure of public opinion".) I shall come to that later on. Now, Sir, I have made it quite clear that the clause which I have drafted was not drafted by me. It was drafted by the Department which introduced this Bill. Apparently, as the Bill was introduced by Government, I take it they also approved of this clause. Sir, this Bill was introduced as a result of the conference of Factory Inspectors in India, and I also therefore presume that this clause of the Bill had been inserted in the Bill as the result of that conference of Factory Inspectors. The clause has not been objected to by any Local Government, as the Honourable Member in charge of the Department of Industries and Labour has stated this in his minute of dissent. Of course there are some employers who have objected to this clause. But their opposition is quite natural. Now, Sir, what does the clause seek to do? The first part of the clause states that in every factory a reasonable temperature shall be maintained. (*Diwan Bahadur T. Rangachariar*: "What is it?") You know, Sir, that in India the factories work for eleven hours a day. Now this period is a very long period. If this long period is to be maintained, then let us at least give reasonable conditions in the factory for these people who work for eleven hours a day in the factories. In the hot season naturally the factories become very hot and ordinary workers cannot be expected to work without any detriment to their health when they are working 11 hours in the hot atmosphere of the factories. Sir, the Members of this Legislature know what it is to work in a hot atmosphere of this Chamber when we work for about five hours a day. (*The Honourable Sir Basil Blackett*: "Fifteen.") I shall be very glad if you begin to work 15 hours in this Chamber. Then I am quite sure our Factory Act will soon be changed (*An Honourable Member*: "And the administration will be improved"), and the administration will improve, as my Honourable friend suggests. It is therefore necessary that in factories a reasonable temperature should be maintained. Moreover, in some factories, specially the textile factories, the temperature is interfered with by artificial means in order to suit the conditions of production. Sir, the clause which I have introduced seeks to provide that a reasonable temperature shall be maintained. In the cold season the factory will be heated, so that a reasonable temperature may be maintained. In the hot season, fans will be provided or water may be so used that the temperature may be brought down. Now, Sir, the clause which I propose to introduce is not new to factory legislation in the world. The English law provided a similar clause and I shall read the English provision for the benefit of the Members of this House:

"In every factory and workshop adequate measures must be taken for securing and maintaining a reasonable temperature in each room in which any person is employed."

Now, Sir, the first part of my amendment corresponds with this English section. There is some difference between the English and Indian climate. In England they generally want to heat the factories. In India we shall have to keep the temperature lower. That is the only difference between the two countries. Moreover, Sir, in England the factories do not work as long hours as the factories in India. Then, Sir, the second portion of my clause enables factory inspectors to see that a reasonable temperature

is maintained. This is also necessary, because if it is the wish of this House that a reasonable temperature shall be maintained in factories, then they must see that factory inspectors possess the power which will enable them to enforce this provision. Now, Sir, in India this question of temperature was studied by a gentleman named Mr. Molony in connection with humidification of the Indian cotton mills and Mr. Molony has recommended that in India it is necessary to take some measures to maintain a reasonable temperature in factories and he has made certain suggestions as to how that can be done. He makes two suggestions. But, Sir, I need not go into the methods of keeping the temperature reasonable in factories. It is the business of the factory inspector to see that necessary measures are taken to maintain a reasonable temperature in these factories. Now, Sir, I do not know what really made the Select Committee omit this very salutary provision from the Bill which is before us. They have given some reasons, but I am not convinced of the soundness of these reasons. Moreover, Sir, I feel that the Government themselves know that this provision is a reasonable one and therefore they should now, although the Select Committee has omitted that clause, stick to their views and support my amendment. I would like to ask the Member in charge of the Department of Industries and Labour at this stage whether he proposes to support my amendment or whether he proposes to oppose my amendment or whether he proposes to remain neutral. Sir, if he will give me an indication at this stage, it will enable me to deal with this question much better. May I, Sir, expect the Honourable Member to tell me at this stage what his attitude will be.

**The Honourable Sir Bhupendra Nath Mitra** (Member for Industries and Labour): I intend to oppose the amendment in the form in which it has been put.

**Mr. N. M. Joshi**: Now, Sir, the Honourable Member proposes to oppose the amendment in the form in which it is put. May I ask whether he proposes to move an amendment to my amendment.

**The Honourable Sir Bhupendra Nath Mitra**: No, Sir; not at this stage.

**Mr. N. M. Joshi**: Sir, it is quite clear that the Honourable Member means to oppose my amendment. If the Honourable Member had proposed an amendment to my amendment, I would have welcomed such an amendment. I know, Sir, the constitution of the present House. It is difficult to carry any amendment against the wishes of the Government. It is a pity; it is a thousand pities, because in this House there are very few friends of the working classes left now. (*Two or three Honourable Members*: "Question?") I am very much obliged to those friends who have indicated that they are in favour of my amendment. Sir, I shall be very happy to find that my remarks were wrong. But, Sir, I am somewhat surprised at the attitude of the Government of India. When they introduced the Bill they thought that such a provision was necessary, but what has happened now that they should not move an amendment or support the amendment moved by me? What has made them change their views?

**Mr. M. A. Jinnah** (Bombay City: Muhammadan Urban): Because we are reduced to a minority.

**Mr. N. M. Joshi:** Is it the fact that the Swarajists have gone out? Is it the fact that they have hereafter to depend upon the votes of the European Members, whose sympathies the Government of India do not wish to lose at this stage? Sir, I remember having made a remark once in this House that this Government of India serve the interests of the capitalists in this country. I also remember the Honourable the Home Member having got very angry with me at that time. I want to know, Sir, what is going to be the attitude of the Government of India on my amendment. I want to know whether they thought at one time that the amendment was reasonable or not. If they thought that the amendment was reasonable, I want to know what has made them change their views except the fact that they depend upon the support of the European Members who are very anxious to see that clause omitted. Now, Sir, if this is the attitude of Government and if the reason given by me is the reason, which I think is the correct reason, is it right for the Government of India to deny the charge that they are here to serve the interests of the capitalists in this country, both European and Indian?

Now, Sir, I would like to say one word to the non-official Members of this House, especially to the Members of the Independent Party. Sir, I know that that party is independent. I want that party to show that it is independent—not only of the Government but independent of the capitalists also. Sir, let the Members of the Independent Party and other non-official Members remember that there is a great responsibility upon them in this matter. If our Swarajist friends were here, I am quite sure that the Government of India would have brought forward their own amendment. But if the Government of India do not bring forward their amendment in order to retain the support of some Members in this House, let this House show that they are much better than the Government of India. Sir, I move my amendment.

**Mr. Kasturbhai Lalbhai** (Ahmedabad Millowners' Association: Indian Commerce): Sir, I beg to oppose the motion of my friend Mr. Joshi. I wish he had studied the Indian Factories Act of 1911 before bringing forward a motion of this nature. Clause 9 of the Act provides sufficient safeguards for the health of the workers about whom my friend is so solicitous. In order to convince the Honourable Members, I shall read out the same. It runs as follows:

“The following provisions shall apply to every factory:

- (a) it shall be kept clean, and free from effluvia arising from any drain, privy or other nuisance;
- (b) it shall not be so overcrowded while work is carried on therein as to be dangerous or injurious to the health of the persons employed therein;
- (c) it shall be ventilated in such a manner as to render harmless, as far as practicable, any gases, vapours, dust or other impurities generated in the course of the work carried on therein that may be injurious to health;
- (d) the atmosphere shall not be rendered so humid by artificial means as to be injurious to the health of the persons employed therein.”

**Mr. N. M. Joshi:** Where is the mention of temperature here?

**Mr. Kasturbhai Lalbhai:** The last clause refers to temperature. It will be apparent from this section to Honourable Members that the provisions for the health and comfort of our industrial workers are not wanting. What I desire to know is whether Government did inquire as to how many prosecutions were necessary and were launched under this section, and that we cannot do without some provision of this nature.

**Mr. N. M. Joshi:** How can there be prosecutions when there is no law?

**Mr. Kasturbhai Lalbhai:** I very much regret that the Government thought it fit to bring forward such a clause without the full realization of its implications. It is not only very vaguely worded but it has been the subject of bitter criticism by most of the bodies and officials whose opinions were united. I seek the indulgence of the House to read out some of them. I shall first read out the opinion of the Secretary to the Government of Madras, Development Department. On page 5 he says:

"The Government of Madras do not consider that the provision for the maintenance of a reasonable temperature should be enforced in every factory."

He goes on further and says:

"The cost of effecting a reduction in temperature would probably be more than what the Industry could afford. In their opinion a reduction of temperature in such cases does not seem to be absolutely necessary in view of the small number of persons employed."

**Mr. C. A. Barron,** Financial Commissioner and Secretary to the Government of Punjab, says as follows:

"The lack of definiteness attaching to the expression 'a reasonable temperature' which occurs in clause 5, has been the object of general criticism, including that of the Factory Inspection staff of the Punjab. The requirement presumably refers to hygienic conditions, and the Governor in Council is not unconscious of the difficulty which must attend an attempt to define the term very precisely."

**Mr. J. F. Gennings,** the Acting Director, Labour Office, Bombay, says as follows:

"I am opposed to this new section. I agree that the prevention of excessive and abnormal temperatures and the maintenance of a reasonable temperature in factories is essential to the health and efficiency of industrial workers; but existing conditions in India seem to make the definition of reasonable temperature a matter of very great difficulty. In England it is a subject to which considerable attention has been devoted by the Industrial Fatigue Research Board, a body consisting of doctors, scientists, physiologists, physicists, etc., of the greatest eminence in their respective professions together with representatives of employers and employees with practical knowledge of working conditions and no legislation requiring a reasonable temperature to be maintained would be initiated in the great industrial countries of the world without careful, detailed, scientific investigations by expert investigators working under the supervision of a Board of scientific experts . . ."

**Mr. N. M. Joshi:** May I ask the Honourable Member for some information? When was this Board as regards Industrial Fatigue brought into existence in England and was the clause about regulating temperature also introduced in England? If he can tell me that, I can understand that in England these scientific investigations were made before the law was made.

**Mr. Kasturbhai Lalbhai:** I am not in a position to inform the Honourable Member when the Board was instituted. I am simply quoting from the opinion of the Director of Labour, Labour Office, Bombay.

**Mr. N. M. Joshi:** Sir, may I ask the Honourable Member another question? What is the claim of this Director of Information to know anything about labour?

**Mr. President:** Order, order. Mr. Kasturbhai Lalbhai.

**Mr. Kasturbhai Lalbhai:** Sir, the Director goes on to say:

"The draft Bill under discussion merely insists on a 'reasonable' temperature being maintained and leaves it to the factory inspector to decide what amounts to a reasonable temperature. The factory inspector is given the power of calling upon the owner of a factory to instal expensive apparatus and to prosecute him if the orders are not carried out. It is true that an appeal can be made to the court or to the Local Government against any order by the factory inspector. But it does not seem to me that the authority appealed to would be in any better position to decide the question. It appears to me that section 9 (a) is premature and should not be inserted into any Act until the question has been scientifically investigated and reliable standards laid down for the guidance of factory inspectors."

Sir, there are very many opinions on the question of reasonable temperature, but not one of them is in favour of this clause regarding temperature. It will be noticed that in his minute of dissent the Honourable Member in charge says:

"We recognise the force of the main criticisms directed against the terms of clause 5 of the original Bill. There are obvious dangers in leaving it to Inspectors to decide what constitutes a reasonable temperature,"

and so on.

"But the main principle of the clause was not opposed by a single Local Government, and we consider that the Select Committee should have recast the clause in such a manner as to meet the criticisms mentioned above."

I regret to note that the Honourable Member seems to attach no importance to the opinions of the responsible Members of Government who have expressed their opinions in the pamphlets from which I have just read. Even in England where the industries are far more numerous, and where the industrial workers are considerably larger than what we have in India, they have not found it necessary or practical to insert a clause of this nature. Not only in England, Sir, but in no other country of the world has such a clause been provided for in the factories legislation.

**Mr. N. M. Joshi:** I am very sorry the Honourable Member is making an inaccurate statement. I read out the English section myself. The English section is this . . . . .

**Mr. President:** Order, order. The Honourable Member need not read it again. He has already read it once.

**Mr. N. M. Joshi:** He is still persisting in making an incorrect statement.

**Mr. Kasturbhai Lalbhai:** I hope from the opinions I have just quoted Honourable Members will be convinced that such a vague clause as was provided for by the Government in their original Bill could not be inserted in view of the fact that not only are almost all the commercial and industrial bodies who have been consulted on the subject unanimously opposed to it but many Government officials, responsible officials, have thought it desirable to point out to their respective Governments that such a clause would perhaps do more harm than good. I hope that before Government think it desirable to bring in such a clause as this, they will take care to see that the factory owners are not penalised for the fault of the inspecting staff.

I oppose the motion of my Honourable friend, Mr. Joshi.

**Dr. K. G. Lohokare** (Bombay Central Division: Non-Muhammadan Rural): Sir, I was surprised to see my Honourable friend reading out a piece of a so-called responsible opinion. We know, Sir, usually that there are some terms and some expressions which are to be taken with common sense, and when people want to assume a want of common sense we have to take them as the popular saying goes, "either as fools or knaves". According to my Honourable friend, for the purpose of defining the term "reasonable temperature", an expert committee of physiologists and scientists will be required. If that is said to be the responsible and considered opinion, I am sorry, Sir, there seems to be no other explanation and the vendor of such an opinion must be either of the two as described by the adage. Reasonable temperature is nothing else than the usual natural temperature found in a place. It is nothing more than that. Every place has its usual temperature in certain climates and seasons. If a factory on account of the boiler and the fuel used creates a higher temperature, naturally the health of the workers will be affected. Mr. Joshi's clause does not demand anything more than that. (*An Honourable Member*: "Normal temperature.") My friend distinguishes between normal and reasonable temperature. He wants a difference of 3 to 4 degrees. I grant it and yet say the judgment of such reasonableness can be entrusted to the factory inspector. If you think the factory inspector cannot be entrusted with that judgment of reasonableness I have nothing to say. They have been entrusted with discretion on so many points in the Factory Act; however, one more our friends are not willing to add. Labourers are after all human beings with whom we have to deal and we must consider them as human beings like ourselves. If we do not want to consider matters affecting their health and the conditions under which they have to work, Sir, I doubt very much if such an industrial development should be the goal of the Government and the people.

With these few words I support Mr. Joshi's amendment.

**Diwan Bahadur T. Rangachariar** (Madras City: Non-Muhammadan Urban): We all acknowledge our indebtedness to my Honourable friend, Mr. Joshi, for espousing the cause of labour, and whenever he strikes a reasonable attitude I always try to support him. I am neither a capitalist nor a factory owner, but I view it from the standpoint of a common practical man. I am familiar with the working of rice mills in my province, and being a landholder I am interested in their well being. If that is an interest which will disqualify me from speaking out my mind here, there it is. But I assure my Honourable friend that that is not the motive that actuated me in taking the attitude I did in Select Committee. In justice to the Government I must remind my Honourable friend, Mr. Joshi, that it was I who took a most prominent part in objecting to this provision. It was neither the capitalist nor the Government Members who took exception to this. My main objection was to the impracticable nature of the proposal in the clause and the majority agreed with me. Nor does Mr. Joshi do justice to the Swarajist Members. The Swarajist Members were represented by Mr. Sarfaraz Hussain Khan. He was present there bodily. He, as a practical man, and likewise other Swarajists, supported the view that this was an impracticable proposal. I put myself the question, having regard to my knowledge of the villages and districts of my province, how are you to prescribe reasonable temperature, since from place to place the temperature varies in my province from 115 degrees to 82 degrees in summer. That is from district to district.

**Diwan Bahadur M. Ramachandra Rao** (East Godavari and West Godavari *cum* Kistna; Non-Muhammadan Rural): Cannot the temperature be prescribed in each district?

**Diwan Bahadur T. Rangachariar:** As my Honourable friend, Diwan Bahadur Ramachandra Rao knows, it varies always from *talug* to *talug* and also from season to season, and from morning to evening. My Honourable friend may express surprise, but what is the temperature you will prescribe as reasonable? It is to be left to the factory inspector to prescribe this reasonable temperature. In the case of any factories it is left to the opinion of the inspector to say that a reasonable temperature is not maintained. Now the inspector may be an Indian. He may also be a European who wants everything cool; he may require electric fans and various things. He may be an Indian inspector, who like myself likes to toil and moil in the hot weather. Sir, I myself have to argue in the High Court and notwithstanding the electric fans in some months of the year we sweat there. Probably you have to change your linen during the course of the day when you have to argue a heavy case. Even owners of factories and rice mills work under the same conditions, not that they keep aloof in their houses and calmly look on when the labourers are toiling. There are small factories and rice mills where they take part in actual work. That being so it is not as if they are doing anything which would not be advantageous to themselves. You must leave it to the good sense of the employer himself. Of course there may be very big factories in which perhaps the conditions may be made satisfactory, but in these factories in the mofussil, if the law is to be uniform in all cases, I cannot but feel that a great danger will be introduced by introducing a clause like this.

**Mr. M. A. Jinnah:** Suggest some other clause.

**Diwan Bahadur T. Rangachariar:** That is a thing the Government asked us to do. I am sure my Honourable friend Mr. Jinnah might be able to suggest another clause. I found it very difficult to suggest a suitable clause. After all the employer and the labourer have to depend upon each other. The employer in most cases, I am sure, will provide reasonable facilities that circumstances may require. It is to his interest to do so. Legislation in these matters certainly cannot produce the desired effects. What is needed is good feeling between the employer and the labourers. No doubt it is a counsel of perfection, but I am sure it is absolutely impracticable to have a clause like this and to expect it to work, and it would be leaving the factory owners to the tender mercies of the inspectors, who may have different views. One inspector may go and another inspector may come and they may have different views. How is an inspector to prescribe a reasonable temperature? Is he to prescribe 95 degrees in the morning and 100 degrees in the afternoon and 95 again in the evening? Supposing the temperature varies and supposing the variations of temperature are due to natural conditions, what is he to do? Is he to introduce electric fans there?

**Khan Bahadur W. M. Hussanally:** Yes.

**Diwan Bahadur T. Rangachariar:** Probably he cannot get electric supply there; where is he to get the energy for these small factories? It may have the effect of spoiling and killing these small industries which are very beneficial to the people. I submit that I see many practical difficulties in



applying that clause; it is very difficult to find a suitable clause to provide for such cases, and we cannot help recognising the difficulties pointed out. Even the Government Members in their minute say :

"We recognise the force of the main criticisms directed against the terms of clause 5 of the original Bill. There are obvious dangers in leaving it to Inspectors to decide what constitutes a reasonable temperature, and it is probably true that in most factories no restrictions are required, while in others regulations could only be imposed after careful investigations and with full regard to seasonal variations, the nature of the processes and other circumstances. But the main principle of the clause was not opposed by a single Local Government and we consider that the Select Committee should have recast the clause in such a manner as to meet the criticisms mentioned above."

Sir, the Select Committee waited for a recast of the clause which would suit the circumstances. No member came forward with one. Even my Honourable friend Mr. Joshi to-day, although he recognises the objections, is not able to produce a suitable clause. . . . .

**Mr. N. M. Joshi:** I do not recognise any objections.

**Diwan Bahadur T. Rangachariar:** Very well, then, if he does not recognise any objections, we recognise the objections, and I do think the House should not accept this amendment.

**The Honourable Sir Bhupendra Nath Mitra:** Sir, as the House is already aware, I am in sympathy with the object underlying Mr. Joshi's amendment. In fact, as Mr. Joshi observed, that provision was in the Bill as it was originally presented to this House by Government. At the same time, as has already been stated in the minute of dissent which I have signed, I recognise the force of the numerous criticisms which have been directed against the clause which Mr. Joshi seeks to re-insert and I do not think that, in its original form, it can be commended to this House. To this extent I agree with the majority of the Select Committee, and as I have already said, Government will oppose Mr. Joshi's motion. At the same time I do not agree with my friend Mr. Kasturbhai Lalbhai that the matter is already provided for in section 9 of the Indian Factories Act. I may say this, that Government have no intention of abandoning their idea in this particular matter. . . . .

**Mr. M. A. Jinnah:** What is their idea?

**The Honourable Sir Bhupendra Nath Mitra:** Their idea is that the object underlying Mr. Joshi's amendment should be provided for in the Factories Act, but not in the particular form in which Mr. Joshi has moved his amendment. . . . .

**Mr. N. M. Joshi:** Why not suggest another amendment?

**The Honourable Sir Bhupendra Nath Mitra:** The House is entitled to ask why does not the Government bring forward another amendment. My friend Diwan Bahadur Rangachariar has fully explained the difficulties in the matter with which we were faced in the Select Committee. In fact, I did put forward certain amendments of my own. They were unacceptable to the majority of the Committee and I had to abandon them. That does not mean that we have abandoned the idea of putting something in the Indian Factories Act to meet our original intention in the matter. Our provisional view is that the necessary provision can be met by an amendment

[**Sir Bhupendra Nath Mitra.**]

of section 9 of the Factories Act, with consequential amendments elsewhere. At the same time, in view of the great divergence of opinion in the Select Committee,—and I must remind the House that the majority of the Select Committee, consisted not only of my friend Diwan Bahadur Rangachariar, but of members of the Independent and Swaraj Parties, as well as members of the European Party,—I had to admit that this was not a matter which I ought to force through this House in its present condition, through a thin House like the present one; and so far as Government is concerned, the intention is hereafter to try to work out the proper amendments in consultation with the Local Governments and at a later stage to bring in a short amending Bill before this House. . . .

**Mr. Kasturbhai Lalbhai:** Do I understand that commercial bodies will not be consulted in the matter?

**The Honourable Sir Bhupendra Nath Mitra:** I cannot in any way commit myself on that point. I dare say if we do consult the Local Governments, they will again consult commercial bodies, but I think the commercial bodies have had their say. So far as the object goes, Government are certainly still of the opinion that some amendment of the Indian Factories Act is necessary, but they had to change their opinion in regard to the precise amendment which they had originally proposed. Some other formula will have to be devised. I for one would have been very glad if the Select Committee had devised that formula. . . .

**Mr. M. A. Jinnah:** Then let us postpone it.

**The Honourable Sir Bhupendra Nath Mitra:** At the same time there are other provisions in the Bill which need not, for that reason, be postponed. That is quite a simple matter which can be brought in at a later stage, and we can pass an amending Bill to incorporate that particular amendment. Therefore, Sir, I cannot accept Mr. Joshi's amendment.

**\*Mr. Bipin Chandra Pal** (Calcutta: Non-Muhammadian Urban): I desire to say just two words on this subject, my first explanation for taking any part in this debate is that I was, what shall I say, tempted by the Government Members to put my signature to the note of dissent which they themselves signed, and having signed that note of dissent, with full consciousness of what it implied, I am surprised at the attitude which the Honourable Member in charge of Industries and Labour has taken to-day.

**1 P.M.** I think it was the distinct duty of the Honourable Member to have applied himself with all the resources which he commands to find a way out of the difficulty which he now pleads in opposing Mr. Joshi's amendment.

**Nawab Sir Sahibzada Abdul Qaiyum** (North-West Frontier Province: Nominated Non-Official): If a meeting of the Assembly is held here in June and the fans are removed, the matter will be taken up more earnestly by this House.

**Mr. Bipin Chandra Pal:** Well, I shall be glad if my Honourable friend Sir Abdul Qaiyum comes to the front Bench and represents Government, and then I shall pay all the respect due to his position as the representative

of Government in matters of this kind. I now find, Sir, in this note of dissent that:

"the main principle of the clause was not opposed by a single Local Government and we consider that the Select Committee should have recast the clause in such a manner as to meet the criticism mentioned above."

And who are the signatories to this note of dissent? First of all, the Honourable Sir Bhupendra Nath Mitra, next the Honourable Mr. Graham, third the Honourable Mr. A. G. Clow. The three Government members on this Select Committee, Mr. Clow, Mr. Graham and Sir B. N. Mitra, are all of them signatories to this note of dissent, and they asked me to sign it. I saw the reasonableness of the thing and I signed it, and I do not see how they can go back upon the opinion which they placed on record in this minute and now tell us "Don't do anything now, we will take the matter up later on."

**The Honourable Sir Bhupendra Nath Mitra:** That is not going back.

**Mr. Bipin Chandra Pal:** No, not going back but going sideways. With regard to Mr. Joshi's amendment I do not think it is a very dangerous thing. All it says is "Let your inspectors arrange this. They are your officials and you can issue instructions to them." Sir Bhupendra Nath Mitra may issue definite instructions to the inspectors of factories in this matter; he may issue a definite instrument of instructions to the Local Government how this clause is to be worked, and in that way, pending a definite amendment of the Act, suit what he says he wants.

**Diwan Bahadur T. Rangachariar:** Will my Honourable friend suggest one such instruction?

**Mr. Bipin Chandra Pal:** Well, I am not in a position to suggest anything just now. No, I support Mr. Joshi's amendment and I do not think there is any objection to the acceptance of that amendment unless you are afraid that the inspectors will interfere with the free and easy way in which you are carrying on your factories and your works. Now that is the only argument which it seems to me stands at the back of this opposition to Mr. Joshi's amendment.

**The Honourable Sir Bhupendra Nath Mitra:** What about the minute of dissent?

**Mr. Bipin Chandra Pal:** Yes, the minute of dissent says there are factories where unnecessary hardship is at present caused to the operatives by the maintenance of temperatures which could be substantially reduced by simple and inexpensive means, and it is desirable that Local Governments should be in a position to insist on reasonable steps being taken in such cases, and it seems to me that Mr. Joshi's amendment provides the Local Government with the instrument of carrying out the wishes expressed in the note of dissent.

**Khan Bahadur W. M. Hussanally (Sind: Muhammadan Rural):** Sir, once in a way I should like to act as an assistant to my friend Mr. Joshi and to champion the cause of labour, as his assistant, as I said. Sir, the point at issue is a very simple one. I do not see what the difficulties are which appear to lawyers in this House like Sir Hari Singh Gour and my friend Diwan Bahadur Rangachariar who see snakes and scorpions at every step.

**Diwan Bahadur T. Rangachariar:** Because we know the difficulties.

**Khan Bahadur W. M. Hussanally:** Moreover, the dissenting minute of the Government members contains the following words:

"But the main principle of the clause was not opposed by a single Local Government and we consider the Select Committee *should have recast the clause* in such a manner as to meet the criticisms mentioned above."

Now, Sir, I do not understand why the Honourable Member in charge of the Industries Department could not have commanded the services of all the regiment he possesses of solicitors, secretaries and drafters or draftsmen as they are called, to recast this clause to meet the criticism, and that is what my Honourable friend Mr. Joshi wants. If they had been employed perhaps a definite suitable clause could have been drafted so as to be embodied in this very Bill. But if that could not be done and if the time was too short, why could not this Bill be recommitted now to the Select Committee or postponed till the next autumn Session at Simla? Where is the hurry or urgency of carrying through this Bill when the Honourable Member himself admits that some provision of the kind proposed by Mr. Joshi is necessary to be incorporated in the Act. If I am in order, Sir, I would propose that the Bill be recommitted to the Select Committee and the Government be asked to draft a suitable amendment to bring out the purpose Mr. Joshi has in view.

**Mr. President:** Order, order. The Honourable Member knows that that stage has passed. The motion for the consideration of the Bill has already been adopted by this House and the Bill is now being considered clause by clause. The question before the House is that clause 2 stand part of the Bill, to which an amendment has been moved by Mr. Joshi.

**Khan Bahadur W. M. Hussanally:** In that case, Sir, I support Mr. Joshi's amendment.

**Mr. M. A. Jinnah:** Sir, I must say I was surprised at the attitude of the Honourable Member on behalf of the Government. Sir, when this Bill was introduced it contained a clause 5 and in the Statement of Objects and Reasons you find it stated:

"The existing Act makes no provision for the prevention of excessive temperatures within a factory. The new section is designed to remedy this defect. The amendments proposed in clauses 17 and 22 are consequential."

Then this Bill was referred to Select Committee and the Honourable Member in charge is a party to the dissenting minute where he says this:

"We are opposed to the omission of any provision relating to the maintenance of a reasonable temperature in factories."

Therefore the Government are opposed to that:

"We recognise the force of the main criticisms directed against the terms of clause 5 of the original Bill. There are obvious dangers in leaving it to inspectors to decide what constitutes a reasonable temperature and it is probably true that in most factories no restrictions are required while in others regulations could only be imposed after careful investigation and with full regard to seasonal variations, the nature of the processes, and other circumstances."

Then they proceed to say:

"The main principle of the clause was not opposed by a single Local Government and we consider that the Select Committee should have recast the clause."

"Recast the clause". Therefore, according to the Honourable Member, who is a signatory to this dissenting minute, he is of opinion that "the Select Committee should have recast the clause in such a manner as to meet the criticisms mentioned above." But the Government divest themselves of all responsibility because the Select Committee decide to omit the clause.

**The Honourable Sir Bhupendra Nath Mitra:** No, they don't: they only want time.

**Mr. M. A. Jinnah:** I know perfectly well they want time, but I say any responsible Government, with the assistance they have got behind them, with the successor of Macaulay sitting on that Bench, ought to have been able to put forward amendments in order to support their view. Instead of that we get an answer that they want time. Why? What difficulties have you to face? Is there no legal assistance at your back? Why then divest yourselves of this responsibility? You hold that opinion. Why haven't you brought forward an amendment?

**Diwan Bahadur T. Rangachariar:** It is not a question of legal assistance.

**Mr. M. A. Jinnah:** I suppose it is the assistance of the factory owner or perhaps the assistance of my Honourable friend Diwan Bahadur Rangachariar, who is incapable of producing an amendment. I decline to believe that my Honourable friend if he had applied his mind to it could not have produced an amendment.

**Diwan Bahadur T. Rangachariar:** You produce one!

**Mr. M. A. Jinnah:** I was not on the Select Committee.

**Diwan Bahadur T. Rangachariar and Sir Hari Singh Gour:** You produce one now.

**Mr. M. A. Jinnah:** Yes, I can now. My Honourable friends seem to think that it is our business to attend to every matter of detail in this way. I maintain, Sir, that it is the business of the Government,—I say it was their duty. They introduced this clause originally in this Bill as it was presented to this House. The Select Committee, I say, was carried away and omitted that clause. The Government Member dissents from it and yet he has not come forward with an amendment. Have not they come forward with a number of amendments, when in the Select Committee certain clauses have been altered or omitted? Why have they not brought an amendment on this occasion? Have they not got the assistance? My Honourable friend says "Oh, but we will consider this matter", and the position of the Government is that they will consult the Local Governments again. What for? What are the Local Governments going to tell you? You are yourself convinced that some provision should be made in order to regulate excessive temperature. Is there any Member of this House who is opposed to it? Then all that you have to do is to make a provision. Why don't you come forward with a definite provision? What is the urgency? We are very often told by Government, "Let us pass this Bill, we will then bring in a small amending Bill and we shall see to it". Then probably we will hear nothing more about it. Will the Honourable Member give me a definite undertaking on the floor of this House that he will bring in a Bill embodying the principles of this provision which were originally in this Bill, in clause 5? Will he give an undertaking that he will bring in a Bill in the next Session of this Assembly? If he does that, I might accept his assurance. Otherwise I support the amendment of Mr. Joshi.

[Mr. M. A. Jinnah.]

Then, my friend Diwan Bahadur Rangachariar always now thinks that he must do justice to the Government. He says "How are you going to ascertain what is the reasonable temperature". He says sometimes he has got to change his linen twice when arguing a heavy case. If he has got to do that, what about the poor man who sweats near the boiler. Do you realise that? Who asks in this House that we should provide him with electric fans? Who is the man who asks "Give him ice" which my Honourable friend enjoys while he is arguing a heavy case? All that is intended by this provision is this. In a factory there must necessarily be excessive temperature, in excess of the ordinary temperature which prevails outside. All that is intended is that the temperature within the factory should not be so abnormal as to make the lives of these people miserable and to impair their health.

**Mr. W. S. J. Willson:** Would you mind defining the word "abnormal"?

**Mr. M. A. Jinnah:** If you have any common sense you can decide it in five minutes. If you have no common sense you can never define it. Now, we are told that the inspector will harass these millowners and these factory owners. The inspector is such an objectionable person that he will abuse his powers. That is an argument which is a perennial argument. If we are to go by that argument, we can never have an inspector. It is very often said that the police is bad and why don't you therefore do away with the police. It is necessary to have the police. The inspector is necessary. If the factory owners are going to put their case merely on the ground that the inspector will be an instrument of harassment, an instrument which would try and extort money and blackmail, that is an argument which you will never get rid of till the end of the world. We must have inspectors. My Honourable friend asks "What is a reasonable temperature". I say any honest inspector going into a factory will come to the conclusion at once whether the temperature is reasonable or not, having regard to all the circumstances of that factory or locality. The provision which was incorporated originally is this:

"In every factory a reasonable temperature shall be maintained. In the case of any factory in which in the opinion of the inspector an unreasonable temperature is maintained the inspector may serve on the manager of the factory an order in writing specifying the measure which he considers necessary to maintain a reasonable temperature."

If the temperature is unreasonable, say 130 or 140 degrees, he will say "You must devise means by which you can reduce this temperature" and he will specify a date within which to carry that out.

**Diwan Bahadur T. Rangachariar:** They are not all powerful. There are hundreds of small owners.

**Mr. M. A. Jinnah:** What will this inspector do to them? Will they shut up their factories if this provision is passed? What is the good of arguing in this fashion? We find that the Honourable Member on behalf of the Government himself says that there are factories where unnecessary hardship is at present caused to the operatives by the maintenance of temperature which could be substantially reduced. That is the opinion of the Honourable Member there and this minute is signed by my Honourable friend Mr. Graham, Mr. Bipin Chandra Pal and no less a person than an expert in this kind of legislation, Mr. Clow. What do we find?

They say that it is desirable that Local Governments should be in a position to insist on reasonable steps being taken in such cases. And what are the Local Governments going to do? Is His Excellency the Governor in Council going to inspect this factory and see whether the temperature is reasonable? They must depute somebody. Can this work be done by any other man than an inspector? You cannot get rid of the inspector. I do ask the Government to look into this. They have themselves admitted that the hardship could be reduced at a small expense in several factories. I do ask the Honourable Member to give us an undertaking that at least in the autumn Session he will bring in a Bill with a sound provision. Then I shall consider that Government mean business. My Honourable friend, the millowner (Mr. Kasturbhai Lalbhai) is sitting next to me and my friend who is constantly interrupting me sits opposite to me (Mr. Willson). They will get the Honourable Member who represents Government into meshes again and he will get so confused that in spite of the assistance that he will get from behind he will be unable to meet the situation. Therefore, I want a definite undertaking from Government that they will bring in a Bill next September Session embodying the principle of Mr. Joshi's amendment.

**The Honourable Sir Bhupendra Nath Mitra:** Sir, I have already said that Government have no intention of dropping the matter and I can give my friend Mr. Jinnah the assurance that it will be brought up for discussion at the next Session of the Assembly. We cannot go beyond that.

**Mr. President:** The question is:

"That after clause 4 of the Bill the following new clause be inserted:

- '5. (1) In every factory a reasonable temperature shall be maintained.
- (2) In the case of any factory in which, in the opinion of the inspector, a reasonable temperature is not maintained, the inspector may serve on the manager of the factory an order in writing, specifying the measures which he considers necessary to maintain a reasonable temperature, and requiring him to carry them out before a specified date."

The motion was negatived.

Clauses 5, 6, 7 and 8 were added to the Bill.

**Mr. President:** The question is:

"That clause 9 do stand part of the Bill."

**Mr. N. M. Joshi:** Sir, I move:

"That in clause 9 of the Bill, sub-clause (c) be omitted."

Sub-clause (c) is:

"(c) in the paragraph beginning 'in case (a)' after the word 'sections' the figures '21' shall be inserted."

Now, section 30 of the Indian Factories Act, which is mentioned in this sub-clause (c) of clause 9, says the Government may exempt in

"case (a) such class of work from all or any of the provisions of sections 27 and 28."

Now, I shall tell the House what that (a) is. Sub-section (a) of section 30 of the Indian Factories Act is:

"that any class of work in a factory is in the nature of preparatory or complementary work which must necessarily be carried on outside the limits laid down for the general working of the factory:"

Now, Sir, this sub-section is intended to give exemption to the factories

[Mr. N. M. Joshi.]

from section 21 of the Indian Factories Act. Section 21 of the Indian Factories Act runs thus:

“ 21. (1) In every factory there shall be fixed,—

(a) for each person employed on each working day

(i) at intervals not exceeding six hours, periods of rest of not less than one hour, or

(ii) at the request of the employees concerned periods of rest of not less than half an hour each so arranged that, for each period of six hours work done, there shall be periods of rest of not less than one hour's duration in all, and that no person shall work for more than five hours continuously, and

(b) for each child working more than five and a half hours in any day, a period of rest of not less than half an hour.

(2) The period of rest under clause (b) shall be so fixed that no such child shall be required to work continuously for more than four hours.”

So this clause is intended to give exemption to those people who are engaged in work which is considered to be preparatory or complementary. Now, Sir, I do not understand why this exemption is at all necessary. In the case of people who do preparatory and complementary work, it may be necessary that they should be employed some times before the factory opens or sometimes at the end of the period of work generally. What they really want is that these people who are engaged in the preparatory and complementary processes should begin their work before the other workers begin. I can understand this necessity, but I do not understand why there is any necessity for depriving these people of their midday rest. Every one wants to take his food during the middle of the day and he is given by the Factory Act a period of one hour. We also go, Sir, for our lunch for an hour, and why should not these people who work in factories and do the preparatory and complementary work get one hour's rest in the middle of the day to enable them to take their food? Why should they be deprived of this concession if it is given to them by the Factory Act, even if they are engaged in preparatory and complementary work? That work has to be done before the day's work begins. These people must have some rest and time to take their food. A man does not commit a sin in getting employed on preparatory and complementary work in a factory. Sir, if the Government think that these particular people should not take their rest when the other workmen do, I can understand that; if they say that their hour of rest should be different from the others, I can understand it. But why deprive these people engaged in preparatory and complementary work of their midday rest altogether, and not give them time to eat their food. I think it is cruel and unnecessary as well. I therefore think this House should not accept the change proposed in the Bill at all. Sir, this section 30 of the Factories Act has already given so many exemptions that the Act is becoming practically useless, and especially so when these exemptions make it difficult for the factory inspector to inspect; in every factory you will always find some people exempted, so that the factory inspector does not know who is who. If he goes to a factory and finds that the rule is broken, and if there are people there who are exempted, naturally he will be told that those are the people exempted and it is not very easy for him to find out whether they are or not. Sir, on account of the exemptions which exist the protection given by the Factories Act is much reduced. I therefore want this House not to accept this sub-clause (c) of clause 9, because I think the people engaged in preparatory and complementary work require some



time in the middle of the day to rest and take their food. No case is made out why they should not be given that period of rest. I can understand if they had to take their period of rest at a different time from the others. In that case let the Government bring forward an amendment providing that these people who are engaged in preparatory and complementary work should get their midday rest at some time to enable them to take their food. Sir, I propose my amendment.

**Mr. A. G. Olow** (Industries Department: Nominated Official): Sir, I oppose this amendment. I think that Mr. Joshi has unconsciously misrepresented the position. There is no question of withdrawing from these men the periods of rest. I can assure the House that in practically every case they will get periods of rest; they must get periods of rest from the nature of their work. Mr. Joshi has dealt in his speech both with amendment No. 2 and amendment No. 3, which is in effect of the same character, and much the same arguments apply to both. The point is that the nature of the work, preparatory or complementary work or work that is essentially intermittent, means that the man is not continuously employed as a rule. But the difficulty is that you cannot say definitely beforehand at what time the interval will take place. Take the case of a man who is going round attending to small repairs of machinery. You can say of the process operatives that so many operatives will be off from one to half past one, and so many from half past one to two, but you cannot say for that man that in no circumstances will he be called upon to work between half past one and two. He may spend and normally does spend a large part of the day idle, but in order to comply with section 21 it is necessary that the factory owner should specify, before the work begins, the hours at which each person shall be employed and that he should send notice of those hours beforehand to the factory inspector. It is to overcome that difficulty that these amendments have been devised.

I admit that there is a good deal in what Mr. Joshi says about exemptions, but there is one point that he omitted to mention, and that is, that all exemptions are subject to conditions specified by the Local Government, and these exemptions, I need hardly assure the House, are closely watched by the Government of India. And wherever possible it is made a rule that with regard to an exemption you should grant compensatory periods in some form or another. That is a rule which can be applied not only with regard to holidays but also with regard to intervals. As a matter of fact the exemptions which we now propose to add to the Act had the unanimous support of the Chief Inspectors of Factories, and I think that is a sufficient recommendation to the House.

**Mr. President:** The question is:

"That in clause 9 of the Bill, sub-clause (c) be omitted."

The motion was negatived.

**Mr. N. M. Joshi:** Sir, I move:

"That in clause 9 of the Bill, sub-clause (d) be omitted."

Sub-clause (d) of clause 9 of this Bill says:

"in the paragraph beginning 'in case (b)' after the words 'sections' the figures '21', and after the figures '22' the figures '26' shall be inserted."

[Mr. N. M. Joshi.]

Now, Sir, the paragraph in case (b) is this as given in section 30 of the Indian Factories Act:

"in case (b) work of the nature described from all or any of the provisions of sections 22, 27 and 28."

Now, the kind of work which is intended to be covered by this section is the work which is essentially intermittent. Now, Sir, here also I do not understand why this exemption from section 21 should be given. Sir, even if the work is intermittent, there must be some period when the man will get time to take his food. My Honourable friend, Mr. Clow, said that the man will get a period for rest. But where do you provide it? You are giving an exemption from section 21.

**Mr. A. G. Clow:** No, no. We are giving the power to exempt.

**Mr. N. M. Joshi:** You are giving the power to the Local Government to exempt, and I think you intend that the power should be used; and if you intend that the power should be used, the power I think will be used; and if the power will be used, some people will be exempted from the protection of section 21; and I do not understand why people who do intermittent work should not get any time for having their food in the middle of the day. Sir, I think that the House should see that this exemption is not granted. There is also exemption given by this section from section 26 of the Indian Factories Act which runs:

"The manager of a factory shall fix specified hours for the employment of each person employed in such factory, and no person shall be employed except during such hours."

Now, Sir, even if a man is doing intermittent work, why should there not be fixed hours for him? Simply because a man's work is intermittent, is he going to be employed for 24 hours a day? Why not have some fixed hours? You can say that the hours fixed for him should be long. I can understand that. That you have already provided. You are giving an exemption to those people who are engaged in work which is essentially intermittent—you are giving them exemption from section 26. They can work in the factory for longer hours, but to say that there should be no hours fixed for these people means that the men may be engaged for 24 hours and no hours shall be fixed for him. Sir, the meaning of that section is quite clear. When you give exemptions from sections 26 and 27 it is quite clear that a man engaged in intermittent work may be engaged for even the whole day because no hours of work will be fixed and there will be no fixed time during the day. Now, Sir, in the case of my last amendment it could have been said that the number of people who are engaged in preparatory and complementary work is very small number. But in the case of people whose work is intermittent, their number may be very large in certain kinds of factories, and to deprive them of the protection of the Factories Act unnecessarily is I think doing a great harm to these people. I hope, Sir, that the House will accept my amendment.

**Mr. A. G. Clow:** Sir, I do not want to add much to what I said on the previous amendment which really raised practically the same point, but I do want to reply to a fresh suggestion from my Honourable friend, Mr. Joshi, which is that the men who may be exempted under this new

clause will be required to work, or may be required to work, for 24 hours a day. As a matter of fact the power to exempt men of this character from the provisions of sections 27 and 28 of the Factories Act is already in the Factories Act, but it is safeguarded by the fact that every Provincial Government, at the instance of the Government of India, has fixed definite limits to the amount of overtime that a man may be permitted to work. I think the House will agree that when a man's work is essentially intermittent, there is no doubt that he is going to get long intervals of rest.

**Mr. President:** The question is:

"That in clause 9 of the Bill, sub-clause (d) be omitted."

The motion was negatived.

**Mr. N. M. Joshi:** Sir, I move:

"That in sub-clause (e) of clause 9, for the word 'for' the word 'omit' be substituted, and the words and figures 'the word and figures '22 and 28' shall be substituted' be omitted."

Sir, the clause with my amendment will read:

"in the paragraph beginning 'in case (c)' omit the word and figures 'and 22'."

The other portion of the clause will also be omitted. Now, Sir, the class of people who are covered by sub-clause (c) of section 30 of the Indian Factories Act are those who are engaged in factories which necessitate continuous production for technical reasons, and in their case the Indian Factories Act gives exemption from sections 21 and 22. My proposal is that that exemption shall be given only from section 21 and there shall be no exemption given even from section 22; and I also do not want the exemption from section 28. Now, Sir, I do not understand why in the case of those people who are engaged on processes which require continuous production exemption should be given from section 22. Now, section 22 is a section providing for a weekly rest day and I do not know why simply because certain people are engaged on processes which require continuous production they should be deprived of the provisions of the Factories Act providing for a weekly holiday. Sir, if a man is engaged on continuous production, you can employ shifts of people and provide weekly rest to those who are employed on continuous production. Is it a great sin that some people have to work on processes which require continuous production? Why should they be deprived of a weekly rest day? Now, Sir, as regards this continuous production, there are very important factories, such as the Tata Iron and Steel Works in which practically the whole work requires to be a work of continuous production, and if you give exemption to a factory like that from section 22 of the Factory Act, you make a weekly rest day practically impossible for the whole lot of people engaged in the steel works at Jamshedpur; and as a matter of fact a large number of people engaged in Jamshedpur do not get a weekly rest day. The only reason why a weekly rest day is not given is that the employers do not want to engage a sufficient number of people to enable them to give a weekly rest day to their employees. If they had a weekly rest day, then naturally they would have to employ some more people in order that people may get a weekly rest day by shifts. I can understand that all the people will not get rest on one particular day. If Sunday is observed as a weekly rest day and if the

[Mr. N. M. Joshi.]

factory is a factory of continuous production, then all the people cannot be given a weekly rest on Sunday; but if the employer employs a sufficient number of people, he can give a weekly rest to all workmen on different days. Some may get a weekly rest on Monday, some on Tuesday and some on Wednesday. It is quite possible to provide a weekly rest for all people on different days, although it is not possible to do so for all people on one day. I therefore think that my amendment which takes away the exemption from section 22 for factories engaged in continuous production should be accepted by the House.

**Mr. A. G. Clow:** Sir, I must congratulate my Honourable friend on the ingenuity of this amendment. I imagine that what happened was that originally he wanted to delete the new power of exemption which Government proposed to introduce in the Bill. Then he saw that by a very slight change of words he could carry the fight into the enemy's camp and delete also one of the existing exemptions which has been in the Factories Act since the Act of 1922 was passed. Well, it is ingenious, but I am not sure that it is quite fair either to Government or to the members of the Select Committee, because no such proposal was made before the Select Committee. I am not at all sure that it arises out of the present Bill. However, the point is this. As regards section 22, in many cases it is very unreasonable to insist that in big factories with working processes which must be carried on continuously, like the Tata Iron and Steel Works a weekly holiday must be given to every one of the employees. A great many of these factories work, as my Honourable friend knows, three eight-hour shifts; so that the hours are very much shorter than in the majority of factories throughout India. We do try and insist on compensatory holidays as far as possible; and, speaking from memory, I think I am right in saying that in the factory to which my Honourable friend referred a holiday is given to operatives at least once a fortnight.

**Mr. N. M. Joshi:** Why not once a week?

**Mr. A. G. Clow:** Even where that is done, it is not necessarily suitable that the shift should invariably end at midnight. It is obvious that even when you give 24 hours rest, if the shift ends at 3 in the morning, you are not complying with the Factories Act unless you let the men off for two days. I hope the House will reject the amendment. As regards section 28, I only wish to say that although the exemption will permit men to work for more than eleven hours a day, there is nothing in the Act which makes it possible to abrogate for these men the provisions of section 27 which insists on weekly hours not exceeding sixty.

**Mr. President:** The question is:

"That in sub-clause (e) of clause 9, for the word 'for' the word 'omit' be substituted, and the words and figures 'the word and figures '22 and 28' shall be substituted' be omitted."

The motion was negatived.

**Mr. N. M. Joshi:** Sir, I move:

"That in clause 9 of the Bill, sub-clause (e) be omitted."

I have already explained to the House what this sub-clause (e) refers to. Now, this sub-clause (e) gives exemption from section 28 of the Indian Factories Act. Section 28 of the Indian Factories Act says that no person shall be employed in any factory for more than eleven hours in any one

day. Now, Sir, my Honourable friend Mr. Clow said that most of these factories which are engaged in continuous production work for 8 or 8½ hours. If that is so, why do you want to give exemption from section 28 which says that no person shall be employed for more than 11 hours in one day. Clearly an explanation is required. If these factories engaged in continuous production work for 8 hours only and generally do not work 11 hours, you should certainly not give them exemption from the section which requires that the factories should not work for more than eleven hours. But, Sir, the fact is that there are very few factories in India which are engaged in continuous production which work for 8 hours. Generally they work a longer shift, a shift of 12 hours. Factories of continuous production can only work by shifts, with either shifts of 8 hours or 12 hours. Now, this exemption is given in order to enable factories to work on 12 hour shifts. That is quite clear; and to say when an amendment regarding a weekly rest day is discussed that there are very few factories which work more than 8 hours and therefore no weekly rest day should be given, and then again to come forward with an amendment and say that these factories should be given also an exemption from the rule that no factory should work for more than 11 hours is a very curious thing. I hope, Sir, that the House which does not feel very much interest in this subject will for once at least take an interest in this amendment, because there is a clear injustice. If the factories engaged in continuous production do not work for more than 8 hours, you do not want an exemption from the rule that the factories should work only for 11 hours. You cannot have it both ways. You cannot refuse to give holidays to the people on the ground that the factories do not work for more than 8 hours a day and then also make a rule that these factories may be worked even for 12 hours a day or for any longer hours a week.

**Mr. B. Das:** Then they get overtime.

**Mr. N. M. Joshi:** My Honourable friend says that they get overtime. If the Government provide that the people who work in these factories for more than 8 hours will get overtime, I shall see whether these exemptions will be given or not. My Honourable friend had better make it clear to the Government. You give overtime when you work for more than 11 hours. If the Government make it a rule that those people who are engaged for more than 8 hours shift shall get overtime pay according to the Factories Act, I am prepared to withdraw my amendment. But I am quite sure they will not do it. For overtime they calculate 11 hours a day.

**Mr. A. G. Clow:** 60 hours a week.

**Mr. N. M. Joshi:** 60 hours a week. But if you spread it over 6 days, it means 10 hours a day. It all depends upon how many days you work. But, Sir, it is 60 hours a week. If you give overtime allowance for any extra work over 8 hours a day, that is, 48 hours a week, then I am quite prepared to withdraw my amendment. But, Sir, it is not right that the Honourable Member should tell this House that the Factories do not work for 11 hours a day and that they work for 8 hours and 8½ hours a day and therefore the exemptions really do not matter much. These exemptions are given to the biggest factories in order that they should get cheap labour. They are not given to small factories; they are given to the biggest factories and I have already mentioned one of the biggest factories in India. As a matter of fact, these big factories in India are so big and so powerful that sometimes factory inspectors cannot do anything. Now, Sir, it is not fair that these big factories, which are the only factories

[Mr. N. M. Joshi.]

engaged in continuous production, should ask for exemptions in this way in order to get cheap labour. Continuous production does not require that a man should lose his weekly holiday nor does it require that a man should work for more than 11 hours. You can work continuously with an 8 hours shift. Of course, you can also work with a 12 hours shift. You really want a 12 hours shift, which, I trust, this House will now allow.

**Mr. A. G. Clow:** I just want to clear up a misapprehension raised by my Honourable friend Mr. Joshi. There is no question here of a regular 12 hours shift. In fact, it is impossible. No exemption can be given in this case for work which is more than prescribed in section 27, unless the same work comes under one of the other clauses, which is most unlikely. Section 27, which says that work can only be permitted to the extent of 60 hours a week can be abrogated in the case of clauses (a) and (b) of section 30 and not in the case of clause (c) which we are now considering. So that a man cannot work for more than 60 hours a week. I hope that meets my Honourable friend's point.

**Mr. President:** The question is:

"That in clause 9 of the Bill, sub-clause (c) be omitted."

The motion was negatived.

Clauses 9, 10, 11, 12, 13, 14, 15 and 16 were added to the Bill.

**Mr. President:** The question is:

"That clause 17 do stand part of the Bill."

**Diwan Bahadur T. Rangachariar:** Sir, I beg to oppose this clause. Honourable Members will see that the object of this clause is to take away the time limit which is prescribed under the law as it stands at present for launching prosecutions for failure to give notice. This proposed amendment is to take away the time limit to enable the Government to prosecute people after any length of time from the date of the commission of the offence. The nature of the offence in this case is failure to give notice before opening a factory and of the particulars prescribed by section 33, such as, giving the name of the factory, the names of the persons who have opened the factory and various other things. There are four requirements given in that section. The law as it stands at present prescribes the period of 6 months within which such prosecutions should be launched. Now, the proposal is to take away that period of limitation altogether. I cannot say that Government have made out any case for making this change in the law. All that was said was this. Take a hypothetical case where the factory has been working without the prescribed notice having been given. Then the Government will not be in a position to prosecute the party concerned for failure to give this notice. What is the harm done? The factory inspector will be entitled to go in and see if the requirements of the Act are complied with or not. If the factory inspector is so lazy or negligent that he is not able to know of the existence of a factory, then what is the object in enabling this prosecution to be launched? Indeed, there will be very few such cases. These factories are bound to be in municipal areas and in the area of local boards. I know that in my province both in the District Boards Act and the District Municipalities Act there are provisions requiring licences to be taken out for working factories, so that they are bound to

be known. It is not a thing which can be easily concealed. It was suggested, for instance, that in the by-lanes of Bombay city there may be a factory working without anybody knowing it. But how many such cases will there be? Government have not brought forward any figures that they have been unable to prosecute any cases of this sort. It is purely to meet a hypothetical objection which was put forward at a conference of inspectors. The inspectors merely suggested that it will not be possible for them to prosecute if a factory has been working for six months. No figures of such cases were given. It was only said that such cases can arise. But they are easily discoverable and I do think that there must be a period of limitation now. The proposal is to take away all limitation. If six months is too short, then let them have one year. If any difficulties in the working of the factory are discovered and if other provisions of the Act are not complied with, then there is nothing to prevent the men from being prosecuted for failure to comply with other provisions of the Act. Therefore, it is not a vital matter and I do think that there should be a limit of time for launching a prosecution of this sort. It is usual to prescribe a period of limitation within which prosecution should be launched. It must be a short period. This provision is really intended to encourage neglect on the part of the factory inspectors.

2 P.M. They should be on the lookout and I do submit that here is a case where this wholesome provision of the law should not be removed. There is no case made out for the repeal of this section.

**The Honourable Sir Bhupendra Nath Mitra:** Sir, my Honourable friend, Diwan Bahadur Rangachariar, raised this very point in Select Committee, but I am afraid he found himself in a hopeless minority. It was then explained to him, and I shall again repeat the explanation, that the factory inspector is not in the position of a police officer. It is not his business to go round and find out where factories are being started. After he has received notice that a factory has been started, then his functions really begin. He then inspects the factory and satisfies himself that the provisions of the Factories Act are being complied with. The danger, if we continue the limitation now provided, is that a factory may spring up, no suitable notice is given to the inspector, and the inspector is left to find out the existence of the factory from other sources and he may not be able to get that information. There may be an accident because of the contravention of the factory regulations, and people may lose their lives. Happily cases of that sort have not been numerous, but still cases have occurred. Cases have been brought to our notice, and that is what led to the provision being inserted in the amending Bill.

Clause 17 was added to the Bill.

Clause 1 was added to the Bill.

The Title and the Preamble were added to the Bill.

**The Honourable Sir Bhupendra Nath Mitra:** Sir, I move that the Bill, as amended, be passed.

The motion was adopted.

The Assembly then adjourned for Lunch till Ten Minutes to Three of the Clock.

The Assembly re-assembled after Lunch at Ten Minutes to Three of the Clock, Mr. President in the Chair.

### NOMINATIONS TO THE PANEL FOR THE STANDING COMMITTEE ON EMIGRATION.

**Mr. President:** I have to inform Honourable Members that up to 12 noon to-day only 10 nominations have been received for election to the panel for the Standing Committee on Emigration. As 16 members are required for the panel in question I extend the time for receiving further nominations up to 12 noon to-morrow, the 18th March, 1926.

### THE INDIAN INCOME-TAX (AMENDMENT) BILL.

**The Honourable Sir Basil Blackett** (Finance Member): Sir, I beg to move that the Bill further to amend the Indian Income-tax Act, 1922, for certain purposes, as reported by the Select Committee, be taken into consideration.

It will be remembered from our previous discussion of this Bill that it deals with two main questions. One is the question of the machinery for the recovery of super-tax from non-resident share-holders in Indian companies. The other is that it provides for an appeal in certain cases to the Privy Council. The Select Committee has returned the Bill to the House very much in the form in which it received it, having inserted, however, some small improvements. On the question of the appeal to the Privy Council there is a small matter in which the Government do not quite agree with the Select Committee, but I believe that I shall be able, when we come to deal with the clause in question, to make a statement and give an undertaking which will be satisfactory to the House and will meet the point at issue. On the question of the recovery of super-tax from non-resident shareholders, Mr. Willson maintains his dissent. I regret very much that we have been unable to secure Mr. Willson's support because I do attach importance to the working of the Income-tax Act in co-operation with the tax-payer. However, I do not propose to anticipate the discussion that will no doubt arise, and I therefore confine myself at this stage to moving for consideration.

The motion was adopted.

**Mr. President:** The question is:

"That clause 2 do stand part of the Bill."

**Mr. W. S. J. Willson** (Associated Chambers of Commerce: Nominated Non-Official): Sir, I beg to move the small amendment\* which stands in my name. This clause 2 is, if I may say so, one of the best clauses in the Bill, in so far as it seeks to place at the disposal of Government information as to who are receiving dividends. It will therefore assist them in collecting ordinary income-tax as well as super-tax from the resident and from the non-resident. The clause however reads, in the middle, that the principal officer of the company shall furnish the names "and so far as they are known to such principal officer, the addresses of

\* "In clause 2 of the Bill in the proposed section 19A for the words 'so far as they are known to such principal officer, the addresses' the words 'of the addresses, as entered in the Register of Shareholders maintained by the company' be substituted."



the shareholders." Sir, that seems to me to place an unfortunate doubt upon what is the duty of the principal officer of a company. I must point out here and now that under this Bill a great deal of duty is being imposed upon the principal officer of a company, for all of which he is to remain unpaid. But nevertheless, especially under clause 5 (2), sub-sections (2) and (3), he is to be financially responsible if he fails to carry out any obligations under this Bill. I therefore, Sir, want this section 19A to be quite plain in stating what is to be expected from a principal officer in this case, and I think I need do not more than place before the House an imaginary case. Will the House kindly imagine itself in the position of a principal officer of a company for a moment, and take a shareholder, say, Sir Purshotamdas Thakurdas, who is well known to everybody in this House. Under this clause it should be made quite plain that in giving his address, the principal officer should give his registered address, which I presume would be Malabar Hill, Bombay. But under this clause as it is worded, it would be quite competent for any income-tax officer to come to the unfortunate principal officer of the company and say, "Why did you give me the address as Malabar Hill, Bombay, when you must have known perfectly well that Sir Purshotamdas Thakurdas had gone to England on the Currency Commission and would be there for some time?" Now that is a very real example and all I say is that the principal officer cannot be expected to know, cannot be expected to occupy his brain in thinking out what may be any temporary address of anybody. The only address that he has official cognisance of is that in his Register and that is what my amendment is worded to achieve. I, Sir, lay no claim to being an expert draftsman, so that if the Government accept the principle for which I ask, and think fit, with their superior knowledge of drafting, to alter my wording, I shall not have the slightest objection, but for the principle I do ask.

**The Honourable Sir Basil Blackett:** Sir, this clause as it stands is very nearly a reproduction of another clause which lays a similar duty on the principal officer to give certain names, so far as they are known to him. As drafted the clause I think is really quite clear. The objection that I feel to accepting this amendment is not that I should expect in ordinary circumstances that the principal officer would give any other address than that which he takes from the register of shareholders, but we wanted in this matter to be working with the companies, and it does seem to me that it is undesirable that the principal officer, if in any case he knows quite well that the registered address would convey nothing to the income-tax officer, while some other address might be useful to him, should be in a position to refuse to give him any other information, but I do not want unnecessarily to quarrel with Mr. Willson, and though I prefer my own words, I will not object to his amendment.

**Mr. President:** The question is:

"That in clause 2 of the Bill in the proposed section 19A for the words 'so far as they are known to such principal officer, the addresses' the words 'of the addresses, as entered in the Register of Shareholders maintained by the company' be substituted."

The motion was adopted.

Clause 2, as amended, was added to the Bill.

Clauses 3 and 4 were added to the Bill.

**Mr. President:** The question is:

"That clause 5 do stand part of the Bill."

**Mr. W. S. J. Willson:** Sir, I beg to move the amendment which stands in my name:

"That in sub-clause (2) of clause 5 of the Bill the proposed sub-section (2) of section 57 be omitted."

Sir, I want to put my case as briefly as I can, because I have already had occasion to address the House before on this subject, but all the debates in Select Committee and elsewhere have not shaken me in my opposition to this clause for one moment. The clause, as I have already pointed out, aims at the whole root of secrecy in regard to super-tax.

I do not propose to go over this same ground at any length, because I have dealt with it in my minute of dissent and I give Honourable Members credit for having read that. Sir Basil Blackett in his speech on a previous occasion said that it was only disclosing a part of, or the Indian, income of a person, but that is no answer to the objection to the whole principle. I would like to detain the House for a minute by quoting to them from an American journal received quite lately, which shows how, even in America, which has accepted the principle of publication, it is objectionable. On the 14th January in Washington, U. S. A.:

"steps were formally taken by the Senate Finance Committee to-day to ratify the action of the House in removing from the laws the offensive publicity provisions and to write into the pending 1926 Tax Act Bill a provision for the creation of a permanent board or Committee of the House, Ways and Means Committee, etc."

That will be found in the *Journal of Commerce*, New York, dated the 15th January, 1926. On the next day, Saturday, the 16th January, there was a leader headed "End of the First Lesson", from which I will read as little as I can:

"With the news from Washington that the Senate Finance Committee has determined to leave out of the new Income-tax Bill the so-called publicity provisions, it may be fairly said that here endeth the first lesson. . . . The provision was obnoxious to vast masses of people, perhaps less so to the rich than to those who are poor and did not care to have their neighbours and competitors know how small an income they had. . . . Our income-tax practice is now so complex and intricate, with so many legal and perhaps legitimate ways of evasion, that there can never be any certainty as to whether an income is non-taxable."

I will not read any more. (Laughter from Members on the Government Benches.) I will, if you like!

"Yet the frame of mind which produced publicity must be looked to as an unquestionable source of other schemes equally hare-brained, equally inconsiderate and equally unproductive."

Sir, the clause before us, I submit, is contrary to the intention of the Legislature at the time the Act of 1922 was introduced and passed, and it is contrary to the accepted policy on which super-tax is based. It is introduced here for the purpose of taxing non-residents only; but what will be the effect of it? May I quote to you the case of English investment companies trading abroad? It is their business to collect money from their own countries and invest them wherever they can get a good return. An investment company usually aims at safe investments such as preference

shares, debentures, etc. I have pointed out in my minute of dissent that this Bill anyhow would be inoperative against debentures, which are usually payable to bearer with an interest coupon attached. Therefore, so far as debentures are concerned, this Bill would be of no use to Government. In the case of preference or other shares, however, it would involve a deduction at source. Now, Sir, those investment companies who have invested their money out here have never hitherto had to pay super-tax, and if it is now sought to cast that upon them, what must be the effect of it? It would discourage them absolutely from investing their money in this country. It may be said, "They will sell out. Let them." Well if a resident B, buys from a non-resident A, you are not adding one iota to the capital of the country, but you are stopping B's money from being available for purposes of new developments in this country by diverting it into shares which are already held and industries which are already in existence. That to my mind is a bad feature, and it is entirely contrary to the findings of the External Capital Committee which sat a year ago, wherein it was stated that foreign capital is not disadvantageous to the country.

Consider another case which has only recently occurred to me although I have known of it for a long time, and it is this. There were in this country two trustees—A, a well-to-do man paying super-tax, and B, not so well-to-do, not paying super-tax, who were trustees and held a trust for a third party C, a resident of this country not liable to super-tax. A having retired and gone to England, what will now happen? The principal officer of a company only recognises the first name on his list, A. We will assume he knows A has to pay 4 annas super-tax. He will therefore deduct from that trust fund dividends 4 annas and send the dividend warrant to A with 4 annas or 25 per cent. deducted. Unfortunately the beneficiary C will have his income cut forthwith. He cannot even make a claim for refund, as I understand for 12 months, and it will take several months after that to get the money back. That is a direct injustice to C. Look at it how you will, beneficiaries whenever there are non-resident trustees, must suffer an altogether undue amount of interference under this clause. Banks, as I point out in my minute of dissent, are all large registered shareholders. Though the shareholdings may not belong to them the adjustments, which will have to take place under this clause if it is passed, will involve an enormous amount of work and the worry this clause will put upon legitimate holders seems to me to be out of all proportion to what we are likely to get out of it. I cannot, any more than can the Honourable Member himself, give any figure as to what Government are likely to get out of it. My point is, my advice to him will be to leave out this clause. Let us see how the last clause 19A operates, and from that you will be able to prepare a statement showing what you actually do lose. Then we shall know whether it is worth it or not. Then if you prove it is worth it, we shall be willing to help you to draft some other clause to meet the state of affairs.

There is also an effect which I think may not have been taken seriously into account. That is the effect upon a man's credit of having it published that he used to pay 2 annas—we will say—in super-tax on his shares and subsequently a notice issues to say it is reduced to 1 anna. It may be said that that only means he has sold out some of his Indian holdings, but it may be *known* that he has nothing else! So the blow to his credit will be real. I understand that no attempt has ever been put into force in England, to collect super-tax from the non-resident. It has been gone into time and again, but no suitable machinery for that purpose has ever been devised.

[Mr. W. S. J. Willson.]

I should like to quote just this one paragraph from the "Report of the Royal Commission on the Income-tax" published in 1920:

"The effect of residence outside the United Kingdom places such difficulties in the way of returns, serving notices and collecting duty that any attempt to collect super-tax from non-residents tends from one cause or another to break down in practice."

Our Government in India seem to think that they are more capable of introducing a measure to collect non-resident super-tax than they are in Great Britain, hence this Bill which is before us, and this clause which I have submitted is so highly objectionable. I have already touched upon the defects of it and I may mention another, and that is that for those who wish to evade it it is extremely easy.

I say as a principal officer of a company that I am perfectly willing to go on giving all the information to Government that they may reasonably demand of me, but that that is the most I can be expected to do. It is not my duty to do the collecting for Government and they should do it themselves. I point out to the House further that, if this principle be once accepted, you must be prepared to find eventually that it is but the thin end of the wedge. Sooner or later Government will be anxious to introduce measures by which everybody's super-tax will be deducted at the source and of course they could then go one step further and so collect any other tax they like. It is unfair further to suppose because a man is once upon the books of the Government as liable to super-tax, that that liability is the same every year. Income-tax is a totally different matter. A dividend warrant made out for a certain sum, say Rs. 50,000, carries on the face of it an implication of an income-tax but it does not carry an implication of super-tax, nor of any amount. I do not propose to repeat my arguments in regard to the way dividend warrants pass round from hand to hand. I should like to know what procedure the Income-tax Department propose to follow with a view to not casting upon proper tax-payers the evils which I have endeavoured to point out. I shall have occasion later on to enlarge a little upon that in connection with the next clause, but I do make a last appeal to Sir Basil Blackett to agree to the deletion of this clause for the present and ask him first of all to test the efficacy of clause 19A. With these words I move the amendment for the deletion of the clause.

**Dr. L. K. Hyder** (Agra Division: Muhammadan Rural): Mr. President, I regret very much that I cannot support the amendment which has been brought forward by Mr. Willson. I regret further to have to say that I read his minute of dissent very carefully and I find that the reasons which he has given are not at all good. He has added two additional reasons to the reasons which he has embodied in his minute of dissent. Now I will take up these points one by one in order to show that the position which he has taken up is not at all a position that anybody should take up. First of all he says that the publicity provision in the income-tax law of the United States of America has been deleted. I ask him to apply the argument fairly. What has been deleted, I understand, is the publicity in the newspapers about the amount of income-tax paid by the different people, and I ask him to say whether in the income-tax law embodied in the Income-tax Manual issued by the Central Board of Revenue there is any provision of that kind for publicity in the newspapers. That, Sir, is a bad reason for a bad case.

The second argument he has given is that there will be discouragement of investment as regards foreign capital. I say he has not analysed the case. Otherwise he will not adduce a bad reason for a bad case. Let me put to you the case like this. There is according to him investment in British India not only by investment companies operating from abroad but I think he will admit there is investment also by individuals or non-resident foreigners, whatever their country of residence may be. Now then, he says that this will tend to discourage the investment of capital by these companies. I ask him—why does he jump from that to the conclusion that there will be discouragement of investment of capital generally? Capital from other countries is there. The people who invest in India, not through the investment company but on their own behalf, have to pay super-tax, have to pay income-tax and there is no discouragement at all. The thing which he fears cannot arise because the non-resident foreigner who does not invest through an investment company pays the due share which ought to be paid to the State and this only tends to show that the investment of foreign capital in British India by means of investment companies, what shall I say, defrauds the revenue.

**Mr. W. S. J. Willson:** You might prove that.

**Dr. L. K. Hyder:** I will prove it. The case I am arguing is this. There is the investment in India of capital through other sources than the investment company. This other capital which is in the ownership of non-resident persons pays super-tax and income-tax. Since this capital pays this super-tax and income-tax, how does it come about that there will be discouragement of investment through the investment company? That is precisely the thing which we want to break up because the investment through the investment companies cheats the revenue and an honest non-resident foreigner does nothing of the kind and is subject to the same liability.

I oppose the amendment which has been brought forward by my friend Mr. Willson because it cuts at the root of another matter. There is nothing more fundamental in the income-tax law or super-tax law than this that you ought to apply the principle of aggregation. Collect all the aggregate income which accrues to a certain person, whether resident or non-resident, and in this way we should be able to judge of his ability to bear the tax. The thing should be applied to the people resident in the country but when it comes to the investment companies Mr. Willson says "hands off". He also says there is nothing of the kind in England. Let me read to him from an English text book written by a lawyer as regards the liability of foreign capital to the taxes levied in England. He says:

"The income of an incapacitated, non-resident or deceased person is chargeable to super-tax in the name of his representative or the incapacitated or non-resident person may himself be charged if he can be reached."

That is the provision which exists in England.

With regard to the question of refunds let me put to you the position. I do not wish to read the rules. I may say this that in England there is no reduction made from the assessable income if the income accrues to a non-resident person. There is a provision only for three matters, deduction, reduction and allowance if it accrues to a British subject. I put this to Mr. Willson, let him have it fairly and squarely. Let his favourite investment company and the persons who compose it come under the provisions which exist in our law with regard to relief from double income-tax within the Empire. Not otherwise. What, Sir, Mr. Willson

[Dr. L. K. Hyder.]

wants is to put the burden of the taxes on to the shoulders of the general tax-payer. I say that that is a very bad thing to put forward.

Now, Sir, I understand he says something also about secrecy. I am not at all certain in my own mind whether to advocate the maintenance of this principle of secrecy. But take the case he has put forward. Secrecy is advocated with regard to income-tax because there is a fear that the person may be injured in his business credit. I ask him whether if there is a non-resident person carrying on his business in British India, there is any danger that his business credit will be injured. No, Sir, nothing of the kind. His credit exists in some other country, in America or France or wherever he comes from. He will not be in fear of losing his business credit if the income-tax officer and a few of the company's officers get to know what his total income from Indian sources is.

I began by saying that my Honourable friend Mr. Willson has given very bad reasons for a very bad case, and therefore I oppose his amendment.

**Sir Darcy Lindsay** (Bengal European): Sir, I have listened with considerable attention to the speech made by my Honourable friend Dr. Hyder but I cannot say that he has dealt as effectively as he himself imagines with the points made by my Honourable friend Mr. Willson. The main argument put forward by Mr. Willson in favour of this amendment is that he does not want publicity, and I have heard very little from Dr. Hyder on that point. The major part of his speech was devoted to investment companies and whether they kept their money out here or whether they removed the money. Now, Sir, Mr. Willson, I maintain, has made out a very good case why there should not be publicity, as might be the case if this particular clause remained. I fully realize that the Honourable the Finance Member is no more in love with publicity than the rest of the House, and I suggest . . .

**The Honourable Sir Basil Blackett:** The rest of the House are not in love with publicity?

**Sir Darcy Lindsay:** No.

**Mr. M. A. Jinnah:** It is the other way about.

**Sir Darcy Lindsay:** I suggest to him that under clause 2, new section 19 (a), he has made ample provision for obtaining information as to who is liable for super-tax both resident and non-resident. He further obtains from the principal officers of companies the addresses of all the shareholders and I ask that the Income-tax Department, when they have ascertained whose incomes are liable to super-tax, should send one of the usual polite letters that most of us receive commencing, "Sir, I have the honour to inform you, etc.", so that the shareholders who are assessable to super-tax should be advised by the Department that the super-tax is due. If they fail to meet the claim it is time for Government to take such action as lies in their power to recover the amount. I contend, Sir, that that could be secured by a slight alteration in sub-section (2) of clause 5, where it says:

"He may by order in writing require the principal officer of the company to deduct at the time of payment of any dividend from the company to the shareholder, etc. . . ."

I would say:

"He may by order in writing require the principal officer of one or other of the companies to deduct at the time of payment of any dividend from the company to the shareholder in that year the total amount of super-tax found to be due."

The Government would be obtaining the full amount of the tax but they would not be disclosing to possibly numerous companies what proportion of super-tax the man was assessable to. That would in my opinion secure the privacy that is so desirable in this matter. I am quite at one with the desire that all who are liable should be made to pay. I am quite in agreement with the views held by the Department that this information that they now seek to obtain from companies will bring in increased revenue, because in my opinion there are a certain number of assesseees who have retired from India for good and are still obtaining dividends from Indian companies and unwittingly paying super-tax thereon to Somerset House instead of to India. This letter that I suggest should be addressed to the assesseees would no doubt explain the position and in future the super-tax would be paid here and refunds obtained from home, because they would have to pay there in any case; or it might be possible for the Government of India to set up an agency to obtain from Somerset House an adjustment for these assesseees. We quite recently passed a small demand for, I think, about £600 towards expenditure at the High Commissioner's office, London, in connection with refunds.

**Mr. A. H. Lloyd:** For one year.

**Sir Darcy Lindsay:** Well, never mind. The amount was sanctioned, as Mr. Lloyd says, for one year; but if the work proves successful there is no reason why it should not be extended and come into operation as regards super-tax as well as income-tax.

**The Honourable Sir Basil Blackett:** Sir, I am sorry not to be able to meet Mr. Willson on this amendment. Its acceptance would destroy the purpose of the Bill. As far as I understand his objections they are very nearly reduced to the one of undue publicity. Most of the objections indeed which he has brought against the section apply to the existing section which we are trying to improve. But this argument of publicity is the one on which he evidently relies with particular force. Now it is a curious thing that when we discussed this Bill with the various Chambers of Commerce last year—the matter has been under discussion since the autumn of 1924—when we discussed this provision last year, this question of secrecy was never raised in any quarter. On the contrary, one of the Chambers which was consulted on that, the Bombay Chamber of Commerce, wrote in reply to our circular letter regarding the amendment of section 57 (2), that:

"the efficacy of the proposal is largely a matter for the income-tax authorities to determine, and in so far as, if practicable, it would relieve the principal officer of a Company of the responsibility of deciding the actual amount of super-tax demand in each instance, the Committee can only welcome the introduction of such a system."

I do not want to pursue the question of the attitude of the Chambers of Commerce, but I think it is only fair to the Government to point out that they had no notion, until these debates began in this House, that this question of secrecy was of any importance to Chambers of Commerce. I must confess that I still regard it as a point without substance. The complaint is that this provision for information at the source and taxation at

[Sir Basil Blackett.]

the source will bring to the knowledge of the principal officer of the company concerned and possibly of some others the general division of the scale within which the income of the subject to be taxed is believed by the income-tax officer to fall. It will not of course disclose even the exact figure of anybody's income, nor will it disclose the total of anybody's income. It will merely disclose the sort of amount that he happens to have invested in India, being himself a non-resident in that particular year. If it changes from year to year, it may simply be and very often will simply be as the result of re-investment. In effect this is a permissive section. The principal officer of a company is to receive from the Income-tax Officer information as to the rate at which super-tax is to be deducted from the dividends of a non-resident shareholder, but this procedure will not ordinarily be resorted to where the non-resident shareholder has a duly authorised agent in British India to whom dividends are paid, and through whom he may be assessed to super-tax in the ordinary way under section 43 of the Act. The individual tax-payer himself has therefore in his own power the means of avoiding any kind of disclosure whatsoever. The Government are perfectly prepared to include instructions in the Income-tax Manual to the effect that the clause will not be usually brought into effect in regard to tax-payers who have authorised agents in British India and are paying super-tax. Sir, I really do submit to the House that this point about publicity, of which we have heard so much, is really not a major point.

As regards the Honourable Sir Darcy Lindsay's suggestion, I think that if he will consider it, he will see that it would be scarcely an improvement. His proposal is that the income-tax officer should be given apparently a wide choice as to which of the particular companies he should fix on and should deduct possibly the whole of the dividends payable by one particular company by way of income-tax instead of spreading it over the course of the year over all dividends. I do not think that is really a proposal which would appeal to those who are opposing this Bill.

**Mr. President:** The question is:

"That in sub-clause (2) of clause 5 of the Bill the proposed sub-section (2) of section 57 be omitted."

The motion was negatived.

**Mr. President:** The question is:

"That clause 5 do stand part of the Bill."

**Mr. W. S. J. Willson:** Sir, I have another amendment?

**Mr. President:** I had already called upon the Honourable Member to move it.

**Mr. W. S. J. Willson:** I am very sorry that I misunderstood you, Sir.

Sir, I have another small amendment\* with regard to this clause now under discussion, in order to provide that where the non-resident is in fact paying super-tax, this clause as drafted shall

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\* "In sub-clause (2) of clause 5 of the Bill on the proposed sub-section (2) of section 57 after the words 'British India' the words 'and is not or has not been paying super-tax' be inserted."



not operate against him. Here, again, Sir, I have to say that I am in no way proud of my drafting, and it may be that Government, if they were willing to accept the principle, could draft it in a very much better way for me. If so, I should be very glad. This gives me an opportunity to say that Sir Basil Blackett has not dealt with all my objections to this clause; otherwise I should not have to proceed with this present amendment. It is of course something that he is prepared to issue instructions in the Manual that this clause shall not be used where the non-resident has an agent. That is, I admit, something, but it is extremely little to give when the clause in itself has been so objectionable. He said that to delete this clause would destroy the purpose of the Bill. Well, I cannot go into that now, but I differ from him absolutely. He said that my other arguments would not apply to the objections we were trying to remove. I would point out, Sir, that he has not in any way attempted to explain how he would deal with the hardships to which I have referred as undoubtedly arising under the Bill as in the case of trustees and as in the case of banks or other holders on behalf of third parties. It is therefore, Sir, to safeguard such people as those that I move this present amendment.

**The Honourable Sir Basil Blackett:** Sir, in regard to Mr. Willson's last remarks my general reply has already been given, namely, that those objections which he is making apply equally to the clause in the Act as it stands in so far as they apply at all. I am sorry that I cannot accept the amendment that is now proposed. If it were adopted either in this form or in an improved form, it would still leave a large loophole for evasion; but I am perfectly prepared to give instructions as already stated, and these instructions would be inserted in the Manual to the general effect that the assistance of this new section is to be invoked only where the non-resident has not been reached by other means.

The motion was negatived.

**Mr. W. S. J. Willson:** Sir, I beg to move:

"That in sub-clause (2) of clause 5 of the Bill in the proposed sub-section (3) of section 57, for the words 'has not reason to believe that the shareholder is resident in British India' the words 'has reason to believe that the shareholder is not resident in British India' be substituted."

Sir, this is merely putting the "not" in a different place, but the effect of it appears to me to make a very considerable difference to the Bill. The Bill as worded says that the principal officer of a company shall deduct super-tax if he has not reason to believe that the shareholder is resident in British India. Now, Sir, let me put it to the House in this way. Let us take an example. Let us take another friend of ours, a Member of this Legislative Assembly. Let us take Mr. N. M. Samarth. How is a principal officer of a company to know whether he "has not reason to believe that the shareholder is resident in British India"? I submit that one principal officer of one company would read it one way and another would read it another way. I presume that Mr. Samarth's shares, if he has any, would be registered at a Bombay address. Yet any principal officer could say that he "has not reason to believe that the shareholder is resident in British India". I think if I were to ask Mr. Hussanally what his interpretation of that would be, he would give me one answer, and if I ask a merchant like Mr. Kasturbhai he would give me a totally different one! I do think that the wording proposed by me

[Mr. W. S. J. Willson.]

is a great deal plainer, and moreover it is more in accord with the wording of sub-section (2) as drafted by the Government. It says:

"Where the Income-tax Officer has reason to believe that any person, who is a shareholder in a company, is resident *out of* British India . . . ."

When the principal officer of the company is concerned, he "has not reason to believe that the shareholder is resident *in* British India". The principle should be that the principal officer should assume him to be resident in British India unless he had *reason* to believe that he was *not* so resident. That is a point which I should particularly put to Mr. Jinnah who can interpret the law better than I can myself.

I do not know, Sir, whether you would like me to move the second part of my amendment at the same time or treat it separately. The second part is similar to the one which . . . .

**Mr. President:** Both parts go together. If the Honourable Member so desires, he might move both together.

**Mr. W. S. J. Willson:** In that case I will formally move it as it is down on the paper. As however, the House did not support me with it in the last clause, it is hardly worth putting it again. With your permission, I will confine myself to the wording which I moved when I first rose. I must again point out, Sir, that it is not fair to put upon the principal officer of the company any doubt as to what he is to do. I have pointed out he is to be liable and if he makes a mistake, he will have to pay the money. That is undoubted. Therefore, Sir, you should not put the principal officer in any position of doubt. I am inclined to admit that this clause as at present worded affords as full a measure of protection as possible to a principal officer against a shareholder, but on the other hand it gives the unfortunate shareholder no claim at all. Under this clause a principal officer must, if he has the slightest doubt, unhesitatingly deduct the money; otherwise, he is responsible for it himself; whereas if a shareholder is improperly treated, if as I have suggested different principal officers treat a shareholder in different ways and the non-resident receives a dividend from one company with super-tax deducted and from another company with super-tax not deducted, if he goes round to the company that had deducted and asks "Why did you deduct this?" the principal officer would simply say "I had not reason to believe that you were resident in British India" without having to make any case or statement that he had reason to believe that he was resident *out of* British India. Therefore, Sir, this clause puts the shareholder in a difficult position. After all it is the shareholder that we want to consider, firstly, because he is the man who has great difficulty in getting his redress, and this clause imposes far too much responsibility on a principal officer, a man who is not paid for the duty which it is now sought to impose upon him yet who must pay if his action is by any means at fault.

**The Honourable Sir Basil Blackett:** I am not quite sure what the real difference between Tweedledum and Tweedledee is in this case. In the present form we have put the principal officer of a company in a stronger position in relation to the shareholder who questions his action. I see that Mr. Willson agrees, so that I am almost convinced now that we are right in sticking to the form in which we have drafted this Bill, because it is our object in imposing this duty on the principal officer not to expose him

to vexatious trouble from the shareholder in the event of his having acted to the best of his knowledge and belief in a way that does not please the shareholder. The only difference, I think, between the clause as drafted by us and as drafted by Mr. Willson is that the principal officer will act in the same way in all cases, but he will be rather more exposed to trouble from the shareholder under Mr. Willson's drafting.

**Mr. President:** The question is:

"That in sub-clause (2) of clause 5 of the Bill in the proposed sub-section (3) of section 67:

- (i) for the words 'has not reason to believe that the shareholder is resident in British India' the words 'has reason to believe that the shareholder is not resident in British India' be substituted.
- (ii) after the words 'resident in British India' the words 'and is not or has not been paying super-tax' be inserted."

**Mr. W. S. Willson:** I asked your permission to withdraw the second part.

The second part of the amendment was, by leave of the Assembly, withdrawn.

**Mr. President:** The question is that the first part be adopted.

The motion was negatived.

Clauses 5, 6, and 7 were added to the Bill.

**Mr. President:** The question is:

"That clause 8 do stand part of the Bill."

**The Honourable Sir Basil Blackett:** Sir, I beg to move:

"That in clause 8 of the Bill, the proviso to sub-section (2) of the proposed section 66A be omitted."

This proviso has the effect of making it a condition of the High Court certifying a case as a fit one for appeal to the Privy Council that the High Court should be satisfied that

"if the respondent does not appear at the hearing of the appeal and the judgment of the High Court is varied or reversed, the right to recover any costs which may be awarded by the order of His Majesty in Council to the appellant will not be exercised."

I quite recognise the object which is sought to be achieved by this proviso and I have no objection in principle to that object being achieved. My objection is to the inclusion of a clause of this nature in a Bill of this sort. I am quite willing to give an undertaking on behalf of the Government that, unless there are very exceptional circumstances, the Government would undertake not to ask for costs in cases of the character envisaged by the provision in question. As a matter of fact I do not think the Privy Council would in any ordinary case think of granting costs even if they were asked for, but there are, I think it is obvious to the House, objections to a clause of this sort involving a very big general principle being adopted in what I may call, a hurry. I therefore move, Sir, the deletion of the proviso and I trust that the undertaking I have been able to give on behalf of the Government will satisfy my Honourable friend Diwan Bahadur Rangachariar and others that a substantial point has been met.

**Diwan Bahadur T. Rangachariar** (Madras City: Non-Muhammadan Urban): Sir, I quite recognised that a provision to this effect is rather a novel provision; but at the same time we felt it necessary that there should be such a provision because we are giving a right of appeal in exceptional cases. Being a costly procedure we thought that a Government which had the command of the public purse should not harass by recovering costs against persons who do not care to defend the appeal to the Privy Council. The undertaking is good enough, but unfortunately it is hedged round again by that clause, "unless there are exceptional circumstances." It is only to cases where the respondent does not appear and defend the appeal before the Privy Council that the undertaking extends. I do not know why my Honourable friend wants to have that limitation in that undertaking, for, after all, it is only an undertaking; it is not a legislative provision. These undertakings must be issued as departmental instructions. They will, I think, act as a guidance to the executive officer. At any rate, they should take that form. "Unless there are very exceptional circumstances;" the difficulty will be, who is to be the deciding authority. It may be the Government of India. If there is such a provision, then I can understand it. But if it is to be the Local Government or any other party, then there will be difficulty.

**The Honourable Sir Basil Blackett:** It will be the Government of India.

**Diwan Bahadur T. Rangachariar:** Although it is not so satisfactory, I am prepared to accept that undertaking for my part and I am sure my Honourable friends would also accept it. I only hope that this "unless" will not become a *mamul*, but that it will be resorted to in most exceptional circumstances, and I hope they will be very careful in carrying out this undertaking.

**\*Diwan Bahadur M. Ramachandra Rao** (East Godavari and West Godavari *cum* Kistna: Non-Muhammadan Rural): Sir, I only wish to add one word and that is that the executive instructions which the Honourable Sir Basil Blackett has promised to issue should be as far as possible in terms of the section which has been embodied in this Act. I really do not see how any exceptional circumstances can really arise when the respondent does not choose to appear before the Privy Council and when the only case that is provided for in this clause is the case where the man does not choose to appeal but where the Government of India consider that the matter is one of supreme importance for them to obtain the decision of the Privy Council. Therefore the words "unless there are very exceptional circumstances" are, I venture to say, merely the extremely cautious way in which my Honourable friend has put them. They are really Pickwickian and mean nothing in regard to this particular clause. Therefore, I wish to make it quite clear that there can be no case until those words can be really operative. I do not wish that my Honourable friend should put us in any difficulty regarding this matter because those words do not really mean anything.

**Sir P. S. Sivaswamy Aiyer** (Madras Nominated Non-Official): The respondent may be a very rich man.

**Diwan Bahadur M. Ramachandra Rao:** My Honourable friend says that the respondent may be a very rich man. But he does not choose to appear.

There are many rich men who do not wish to waste their money in litigation. There is no reason why you should saddle a rich man like my Honourable friend with costs, because Government think that they should go to Privy Council, I do not think he would relish such an idea. Therefore, my Honourable friend should make it quite clear that there is no need for this extreme caution suggested by his words. Now that he has consented to issue executive instructions, I trust they will be acted upon. Of course my Honourable friend said "in the opinion of the Government of India". The real difficulty is that these cases will be within the purview of each Income-tax Commissioner in the various provinces. I do not know if my Honourable friend proposes to have all these cases reported to the Government of India. I do not think the Government of India would like to have a report on each case.

**The Honourable Sir Basil Blackett:** Certainly.

**Mr. A. H. Lloyd** (Member: Central Board of Revenue): No Commissioner of Income-tax will be allowed to appeal to the Privy Council without applying to us.

**Mr. M. A. Jinnah** (Bombay City: Muhammadan Urban): Sir, I would like to say one word on this Bill. I really fail to understand what special circumstances can possibly arise in the case which we are contemplating. Either the Government mean to give an undertaking in the clearest language or they do not mean to give an undertaking at all. If you do not want to give an undertaking, then it is no use giving one which is of no use. Here we are contemplating a class of cases where the Government alone would appeal and the respondent does not appear. In that event surely there can be no special circumstances of any kind whatsoever. And I do ask the Honourable the Finance Member really to consider the position. I say the undertaking is worthless unless you give a definite undertaking that in the event of a respondent not appearing, if the Government choose to go up to a higher court and they succeed, they will not claim costs. The Privy Council, in my humble opinion, would be bound to order costs against the respondent even if it is obliged to decide the case *ex-parte* because he fails. If he does not choose to appear, it is no fault of the appellant. They will say he obtained the decision in his favour in the lower court and the Government were bound to appeal to have that decision reversed. Unfortunately or fortunately, the lower court is not made to pay the costs for having come to a wrong judgment when it is reversed. You find in many cases that the Privy Council have awarded costs against the respondent who does not appear. Therefore this undertaking is no good at all. I do ask the Honourable Member, therefore, to give an undertaking which is worth something or to give no undertaking at all.

**The Honourable Sir Basil Blackett:** Sir, I rather feel myself on the way down to Jericho when I see myself amongst so many lawyers. I am completely beyond my depth when Mr. Jinnah takes up hypothetical circumstances and tells me, what I am sure is quite the case, that he cannot conceive these exceptional circumstances. Nor can I. But that is exactly why I have put in these cautious words. We are dealing with hypothetical cases and I am sure the Government will give their most careful consideration to such cases. In order, however, to give the desired hall-mark, I am prepared to withdraw the words "in the most exceptional circumstances."

**Mr. President:** The question is:

"That in clause 8 of the Bill, the proviso to sub-section (2) of the proposed section 66A be omitted."

The motion was adopted.

Clause 8, as amended, was added to the Bill.

Clause 1 was added to the Bill.

The Title and the Preamble were added to the Bill.

**The Honourable Sir Basil Blackett:** Sir, I move that the Bill further to amend the Indian Income-tax Act, as amended, be passed.

The motion was adopted.

### THE DELHI JOINT WATER BOARD BILL.

**The Honourable Sir Bhupendra Nath Mitra** (Member for Industries and Labour): Sir, I beg to move that the Bill to provide for the maintenance of the works established to supply drinking water in bulk for the urban area of the city of Delhi, and for that purpose to constitute a Joint Water Board to undertake such maintenance, be taken into consideration.

Sir, when I introduced this Bill some days ago, I mentioned that this was a simple Bill. It is intended to give a legal backing to certain arrangements which are already in force for this particular purpose in accordance with administrative orders. After I introduced the Bill I gathered that the Delhi Municipality, which is interested in this measure, did not accept all the detailed provisions which had been embodied in the Bill. It was for that reason that I postponed the second reading of this Bill. I discussed the matter with the representatives of the Delhi Municipality and we arrived at a settlement. That settlement is embodied in the amendments which I propose to move shortly. Sir, I move that the Bill be taken into consideration.

The motion was adopted.

**Mr. President:** The question is:

"That clause 2 do stand part of the Bill."

**The Honourable Sir Bhupendra Nath Mitra:** I beg to move:

"That in sub-clause (c) of clause 2:

- (i) the word 'and' be added at the end of clause (iii);
- (ii) in clause (iv) the word 'local' and the word 'and' at the end of the clause, be omitted; and
- (iii) clause (v) be omitted."

The object of this amendment is not to provide for any other bodies which may come into existence in future participating in the arrangements embodied in the Bill.

The motion was adopted.

Clause 2, as amended, was added to the Bill.

**Mr. President:** The question is:

"That clause 3 do stand part of the Bill."

**The Honourable Sir Bhupendra Nath Mitra:** I beg to move:

"That in clause 3:

- (i) in clause (b) of sub-clause (1) the words 'of whom three shall be' and the words 'and the fourth shall be nominated by the Chief Commissioner' be omitted;
- (ii) in sub-clause (2):
  - (a) for the words 'person residing within the area in which such' the words 'member of that' be substituted;
  - (b) the words 'exercises its powers' be omitted; and
  - (c) for the words 'elects a member' the words 'elects another member' be substituted."

The object of these amendments is obvious and I do not propose to dilate on it.

The motion was adopted.

Clause 3, as amended, was added to the Bill.

Clauses 4, 5 and 6 were added to the Bill.

**The Honourable Sir Bhupendra Nath Mitra:** Sir, I beg to move:

"That in clause 7 for the words beginning with 'Unless' and ending with 'undertaken by the Board' the following be substituted, namely:

'The Governor General in Council may direct that any specified work, repair, renewal or replacement which is to be undertaken by or for the Board'."

The motion was adopted.

Clause 7, as amended, was added to the Bill.

Clauses 8, 9 and 10 were added to the Bill.

**Mr. President:** The question is:

"That clause 11 do stand part of the Bill."

**The Honourable Sir Bhupendra Nath Mitra:** Sir, I beg to move:

"That to clause 11 the following proviso be added, namely:

'Provided that, if the Delhi Municipal Committee by notice in writing to the Board so requires, the amount supplied to the Committee shall not in any one day during such period as may be specified in the notice be less than five-sevenths of the total supply available during that day or seven and a half million gallons, whichever amount is less'."

This provision forms part of the present administrative arrangements, and at the desire of the Delhi Municipality Government has agreed to incorporate it in the Bill before this House.

The motion was adopted.

Clause 11, as amended, was added to the Bill.

Clause 12 was added to the Bill.

**Mr. President:** The question is:

"That clause 13 do stand part of the Bill."

**The Honourable Sir Bhupendra Nath Mitra:** Sir, I beg to move:

"That in the proviso to sub-clause (4) of clause 13, for the words 'recoverable from' the words 'payable to the Board by' be substituted."

[Sir Bhupendra Nath Mitra.]

The object of the amendment is simply to make the intention of the provision clearer.

The motion was adopted.

Clause 13, as amended, was added to the Bill.

Clauses 14 and 15 were added to the Bill.

**Mr. President:** The question is:

"That clause 16 do stand part of the Bill."

**The Honourable Sir Bhupendra Nath Mitra:** Sir, I beg to move:

"That in clause 16 for the word 'shall' the word 'may' be substituted."

The motion was adopted.

Clause 16, as amended, was added to the Bill.

Clause 17 was added to the Bill.

**Mr. President:** The question is:

"That clause 18 do stand part of the Bill."

**The Honourable Sir Bhupendra Nath Mitra:** Sir, I beg to move:

"That to sub-clause (1) of clause 18 after the words 'Imperial Bank of India' the words 'or any other bank approved by the Auditor General in this behalf' be added."

The motion was adopted.

Clause 18, as amended, was added to the Bill.

Clauses 19, 20, 21, 22, 23 and 24 were added to the Bill.

**Mr. President:** The question is:

"That Clause 25 do stand part of the Bill."

**The Honourable Sir Bhupendra Nath Mitra:** I beg to move:

"That to sub-clause (2) of clause 25, after the words 'repair the same' the following be added, namely:

'and to refund the fee paid under sub-section (1), together with such sum, if any, as is proved to the satisfaction of the Board to have been paid in excess by the constituent body by reason of the incorrectness of the meter'."

The motion was adopted.

Clause 25, as amended, was added to the Bill.

Clauses 26, 27 and 28 were added to the Bill.

Schedules I and II were added to the Bill.

Clause 1 was added to the Bill.

The Title and the Preamble were added to the Bill.

**The Honourable Sir Bhupendra Nath Mitra:** Sir, I beg to move that the Bill, as amended, be passed.

The motion was adopted.

(At this stage Mr. President vacated the Chair which was taken by Mr. Deputy President, Diwan Bahadur T. Rangachariar.)



## THE INDIAN TRADE UNIONS BILL.

**The Honourable Sir Bhupendra Nath Mitra** (Member for Industries and Labour): Sir, I beg to move that the amendment made by the Council of State in the Bill to provide for the registration of Trade Unions and in certain respects to define the law relating to registered Trade Unions in British India, be taken into consideration.

The only amendment which the other House has made in the Bill, as passed by this House, is in sub-clause (j) of clause 15. I must confess, Sir, that the unsatisfactory state in which this particular provision was left, when this Bill was passed by this House, was, to some extent, due to me. The matter was noticed later on in this House by my Honourable friend Dr. Macphail and we undertook to have the defect corrected in the other House. The amendment made in the other House is simply directed to remedy the defect and I hope this House will pass that amendment.

**Mr. N. M. Joshi** (Nominated: Labour Interests): Sir, I cannot congratulate the other House upon the change made by it in a Bill which was thoroughly considered by the Legislative Assembly. Sub-clause (j) of clause 15, as passed by this House, contained a very simple proposal. The sub-clause referred to the power given to the Unions to spend their money in helping the working classes generally, and the restriction which the Council of State has now put upon that power was not necessary at all. When I spoke during the discussion on this clause, I made it quite clear that legislation was unnecessary to damp peoples' altruistic spirit. Nobody is going to spend all his money upon other people. You have not therefore to legislate and tell a particular Trade Union that it cannot spend more than one-fourth of its money. The clause, as passed by this House, contained, as I said, a very simple proposal that, whenever a call was made upon a particular Union for help, that Union had only to find out what would be one-fourth of the total assets which it possessed, and it could help up to that extent. Now, Sir, the proposal which the Council of State has made is very difficult to work. I will give an example. Suppose a Union has got assets of about Rs. 10,000 and a call is made for help from outside. Now in one year there may be several calls. When the first call is made, how is that Union to find out what will be the nature and the importance of the other calls which may be made thereafter? When the first call is made the Union knows only that it cannot spend more than one-fourth of its money, but there is no guidance to that Union to know how many more calls will be made during the course of that year, and so it will be very difficult for members to render help to their utmost capacity. They know that during the year they can only spend Rs. 2,500 if their assets are Rs. 10,000, but how are they to know on a particular occasion how much maximum help they could give? They do not know how many other calls would be made during that year. I therefore think that the change made by the Council of State is very difficult to work, and I am very sorry to find that the Government are supporting the Council of State. Perhaps it is quite natural. The Council of State supports the Government, and so the Government return the compliment. Sir, although I do not congratulate the House upon the change it has made, I do not propose to oppose this motion because I am anxious that this Bill should pass.

**The Honourable Sir Bhupendra Nath Mitra:** Sir, I fail to realise the point of Mr. Joshi's remarks. Still I shall not detain the House long, as my Honourable friend did not think it meet to oppose my motion. The provision in clause 15 (j), as it emerged from this House, contained this proviso:

"Provided such payment does not exceed one quarter of the amount of the general funds available at the disposal of the Trade Union at the time of such payment."

Now the effect of that would be this: The Trade Union makes a payment, say, to-day equal to one-fourth of the funds at its disposal. It makes another payment to-morrow equal to one-fourth of the funds at its disposal. In that way the funds would be dispersed in no time. I do not see where the difficulty would be in working out the amended provision as inserted by the Council of State. That provision is perfectly clear. At the time of making any payment, all that the Trade Union will be able to pay will be one-fourth of the total gross income which has up to that time accrued to the general funds of the Trade Union, and of the balance at the credit at the commencement of that year. Sir, I do not want to say anything more.

**Mr. M. A. Jinnah** (Bombay City: Muhammadan Urban): Sir, I entirely agree with the Honourable Member in charge of this Department who spoke on behalf of the Government that that was the intention of the House and in the hurry it remained in the form in which it went to the other House. Therefore, Sir, I entirely agree with the motion of my Honourable friend, and as on the last occasion when the Bill left this House I somehow or other had not the opportunity of thanking the Honourable Member in charge, I now take the opportunity to congratulate him. He is the first Indian Member of the Government of India whose good fortune it has been to initiate this measure which will constitute a very important landmark in the future development of the labour problems of India. I heartily congratulate him on the labour and the trouble he has gone through in piloting this Bill and thank him for the most reasonable manner in which he has met the wishes of this House in the passage of this Bill.

**Mr. Deputy President:** The question is:

"That the amendment made by the Council of State in the Bill to provide for the registration of Trade Unions and in certain respects to define the law relating to registered Trade Unions in British India, be taken into consideration."

The motion was adopted.

**Mr. Deputy President:** The question is:

"That this House do agree to the following amendment made by the Council of State:

'In sub-clause (j) of clause 15 for the words beginning with 'provided such' and ending with 'at the time of such payment' the following be substituted, namely:

'Provided that the expenditure in respect of such contributions in any financial year shall not at any time during that year be in excess of one-fourth of the combined total of the gross income which has up to that time accrued to the general funds of the Trade Union during that year and of the balance at the credit of those funds at the commencement of that year.'

The motion was adopted.

## THE LEGAL PRACTITIONERS (AMENDMENT) BILL.

**Mr. H. Tonkinson** (Home Department: Nominated Official): Sir, I move that the amendments made by the Council of State in the Bill further to amend the Legal Practitioners Act, 1879, be taken into consideration.

We are now, Sir, dealing only with one clause in the Bill to amend the Legal Practitioners Act in regard to touting, the clause which has been amended by the Council of State. The amendments which were made in that Chamber were amendments to a small part of the definition of a tout. If Honourable Members will refer to the definition of a tout in the Bill as passed by this House, they will find the definition is divided, in the first place, into two parts (a) and (b), and in the second place that part (a) is also sub-divided. The sub-division of part (a) is into two classes, persons who procure the employment of a legal practitioner and persons who propose to procure the employment of a legal practitioner. That is the distinction followed exactly in the definition of a tout in the Legal Practitioners Act, at present. Now the amendments made in the Council of State affect only the class of person who procures the employment of a legal practitioner. The amendments made were to exclude the words "or from any person interested in any legal business" and to make the entirely consequential amendment of substituting for the words "in such business" the words "in any legal business." Now in the definition as passed by this House it will be seen that the remuneration might have moved either from a legal practitioner or from a person interested in a legal business, and that applies to both parts of part (a) of the definition as we passed it. Now the effect of the amendments made by the Council of State will be as follows, in the case of a person who procures the employment, etc., if his remuneration moves from a person interested in a legal business,—that, as I explained on the last occasion, includes the client—he will not be included in the definition of a tout. The second part of the definition of tout as passed in this House has of course now been passed both in this House and by the Council of State. This brings me to the point as to why we desire to include in the scope of the provisions relating to touts persons whose remuneration moves from a party to the suit or his authorised agent. As I explained on the last occasion the Civil Justice Committee recommended that the definition should be expanded to include the large class of people who in *sarais*, railway stations and other places intercept prospective litigants in order for a consideration, whether paid to the pleader or the client, to take their business to particular legal practitioners. It will be seen that in this class of case the Committee recommended that the definition of a tout should cover cases whether the remuneration moves from the client as well as those cases when it moves from the legal practitioner. I submit it is obvious that in this class of case, where we have prospective litigants or their agents intercepted by people who frequent these public places for this purpose, it is a much simpler matter to prove that the remuneration moved from a party to the suit or his agent. The person may further get remuneration from the legal practitioner; but we do not wish to have to prove this, namely, a movement from the legal practitioner, and I submit that obviously we ought not to have to do so. The man who does so intercept prospective litigants obviously belongs to the class that we wish to proceed against and which we wish to reduce in numbers by this legislation. On the last occasion it was suggested in the discussions in this House that

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this class of man is dealt with in clause (b) of the definition. I do not know whether any doubt is now felt upon this point, but I submit it is clear that the class of man is not completely dealt with by clause (b). This is I submit obvious because if you look at clause (b) you will find that it begins with the words "who for the purposes of such procurement"—that is to say, a procurement of the character described in clause (a); and of course if in clause (a) we have no case of a remuneration moving from the client or any party to the suit then such a case will not come within clause (b).

I turn now to the reasons for the amendments which were made in the Council of State. Honourable Members will remember that in this House, both on the consideration stage and on the passing stage, the point was raised that in the definition of a tout as given in the Bill there would be included persons who are duly engaged by a party to the suit to go and get an appeal or an original suit filed and who would of course receive remuneration for their services from a party to the suit. On the passing stage of the Bill I promised to consider the objection in regard to this point which was raised by my Honourable and learned friend Sir Sivaswamy Aiyer. This authorised agent of the party to the suit is the person who goes and procures the employment of a legal practitioner. That is the reason why we have excluded the case of a remuneration moving from the party to the suit from the first part of clause (a) of the definition of a tout. I think it meets absolutely the point raised by my Honourable friend. We could not have removed this provision from the second part of clause (a) of the definition without lessening the stringency of the proposed provision in what I submit is a very undesirable manner. It would mean, as I think I have already sufficiently fully explained, that in the case of these persons frequenting public places who intercept prospective litigants we shall have to prove remuneration moving from the legal practitioner. Before the amendments were moved by the Honourable the Law Member in the Council of State they were mentioned to my Honourable friends opposite and I understood that they were accepted by them as meeting their point. Sir, I move.

**Mr. Deputy President:** The question is:

"That the amendments made by the Council of State in the Bill further to amend the Legal Practitioners Act, 1879, be taken into consideration."

The motion was adopted.

**Mr. Deputy President:** The question is:

"That this House do agree to the following amendments made by the Council of State:

'In clause (a) of the definition proposed to be inserted in the Legal Practitioners Act, 1879, by clause 2 of the Bill:

(1) the words 'or from any persons interested in any legal business' be omitted and

(2) for the words 'in such business' where they first occur the words 'in any legal business' be substituted."

**Sir P. S. Sivaswamy Aiyer** (Madras: Nominated Non-Official): I beg to move the amendments which stand in my name. I sent in three alternative amendments to the Secretary so that if any prior amendment is not acceptable to the House the subsequent amendment may be accepted.

**Mr. M. A. Jinnah** (Bombay City: Muhammadan Urban): Which is the best?

**Sir P. S. Sivaswamy Aiyer**: The first is the best . . . . .

**Mr. H. Tonkinson**: Sir, . . . . .

**Sir P. S. Sivaswamy Aiyer**: First let me explain myself. I will anticipate your objection. The amendment which I consider the best is that for clause 2 (a) the following be substituted:

"(a) who in consideration of any remuneration moving from any legal practitioner procures or offers to procure his employment in any legal business."

I may at once confess that this first amendment involves a matter of substance and is not a mere drafting amendment. My Honourable friend Mr. Tonkinson will probably object that it is not competent for me now to move this amendment because it was not moved . . . . .

**Mr. Deputy President**: Does the Honourable Member move his amendment or does he merely mention it?

**Sir P. S. Sivaswamy Aiyer**: I wish to move it in order that I may have a ruling from the Chair as to whether it is in order or not.

**Mr. H. Tonkinson**: On a point of order, Sir. I wish to submit for your ruling that this amendment is out of order and cannot be moved. The position we have reached in regard to these amendments is that indicated by Rule 35, sub-rule (2). The motion that the amendments be taken into consideration has been carried, and you, Sir, have put the amendments to the House. The only amendments which may be moved are those which come within the description of sub-rule (2) of Rule 35, namely:

"amendments relevant to the subject matter of the amendments made by the other Chamber but no further amendment shall be moved to the Bill unless it is consequential upon, or an alternative to, an amendment made by the other Chamber."

My Honourable friend desires to make an amendment to a portion of the definition of "tout" which has been accepted by this House and by the other House, and on a point of substance, Sir, I submit that the amendment cannot at this stage be moved.

**Sir P. S. Sivaswamy Aiyer**: I submit, Sir, that the subject matter now before the House is the whole of this definition in clause (a), that is to say, the question which went up to the other House, and now that it has come back, I submit that it is competent to us to move any amendments in clause (a). I should therefore like to have a ruling from the Chair upon this point, as to whether I am or am not in order in moving this amendment. I may perhaps add that my reason for moving this amendment is this—that the only amendment suggested by the Civil Justice Committee is the one which has been incorporated in clause (b) and the inclusion of the acceptance of remuneration from a person interested in legal business or from the client was not contemplated by the Civil Justice Committee. I myself think that we are seized of the whole of clause (a). That is the reason why I move it.

**Mr. Deputy President**: Under Rule 35 (2) the amendment must be relevant to the subject matter of the amendment made by the Council of State, not to the subject matter of the clause, and as the Honourable Member does not say that it is relevant to the subject matter of the amendment I rule it out of order.

**Sir P. S. Sivaswamy Aiyer:** If that amendment is not accepted, I move the next amendment. This is merely an improvement in drafting. The original clause (a) is clumsy and I submit my amendment is much neater and is an improvement upon the language of the original. I may point out that the clause as amended by the upper House is open to considerable criticism from the point of view of drafting. It says:

"who procures, in consideration of any remuneration moving from any legal practitioner, the employment of the legal practitioner in any legal business;"

I will pass on from that. I do not have any serious criticism to offer against that part, but as regards the latter part, it runs thus:

"or who proposes to any legal practitioner or to any person interested in any legal business to procure, in consideration of any remuneration moving from either of them, the employment of the legal practitioner in such business."

To show the clumsiness of this language I would ask the House to take each of these parts separately and see how it reads. Taking first of all the proposal to the legal practitioner, it would run thus:

"who proposes to any legal practitioner to procure in consideration of any remuneration moving from either of them the employment of the legal practitioner in such business."

The words "such business" would really have no antecedent. Let us take the other case:

"who proposes to any person interested in any legal business to procure, in consideration of remuneration moving from him the employment of the legal practitioner."

Which legal practitioner? There is no antecedent. So that the latter part of clause (a) as it stands is very clumsily constructed and my amendment is more elegant, if I may say so, than the original clause. The words are:

"In consideration of any remuneration moving from any legal practitioner procures or offers to procure his employment in any legal business or who in consideration of any remuneration moving from any person interested in any legal business offers to procure for him the employment of any legal practitioner in such business."

I think this reads much neater and it uses more apt legal language. I prefer the word "offers" to "proposes" and it is a much shorter and clearer definition.

**Mr. H. Tonkinson:** Sir, I think it will be convenient if I speak on both these amendments together. I think the remarks of my Honourable and learned friend practically cover both these amendments. The only difference between these two amendments is the use in one of the word "offers" and in the other of the word "proposes". I notice that my Honourable friend, however, has made a slip in the second amendment and has used "offers" in one place where doubtless he intended to use the word "proposes". As regards the difference between the word "offers" and the word "proposes" I submit that there is nothing in it. Of course also the word "proposes" is the word at present used in the definition of "tout". Taking the second definition in which he uses the word "proposes" as we use it in the Bill as passed in this House and as amended by the Council of State, again the effect of my Honourable friend's amendment is exactly the same as the effect of the amendment now in the Bill. My Honourable friend suggests it is an improvement in the drafting, and if there was no previous history to the case perhaps we might be prepared to agree with him. My real objection to the amendments, to all of them, is that they do not follow our normal course. When we draft amendments to our statute law we endeavour, I think, as far as

possible, to adhere to the original provision. By so doing of course we make it much clearer as to what changes have been made in the law and that is the reason why I object to my friend's re-drafts. I further object of course because at this stage of the Session their adoption means a further reference to the Council of State. Actually they effect no substantive changes on the law as included now in the Bill at all.

**Sir P. S. Sivaswamy Aiyer:** Sir, if my Honourable friend is willing to accept the last amendment I do not want to press the second amendment.

**Mr. H. Tonkinson:** No, Sir.

**Mr. Deputy President:** Amendment moved:

"For clause 2 (a) the following be substituted:

'(a) who in consideration of any remuneration moving from any legal practitioner procures or offers to procure his employment in any legal business or who in consideration of any remuneration moving from any person interested in any legal business offers to procure for him the employment of any legal practitioners in such business.'

The question is that that amendment be made.

The motion was negatived.

**Sir P. S. Sivaswamy Aiyer:** In that case, Sir, I move my third amendment.

**Mr. Deputy President:** Amendment moved,

"That for clause 2 (a) the following be substituted:

'(a) who in consideration of any remuneration moving from any legal practitioner procures or proposes to procure his employment in any legal business or who in consideration of any remuneration moving from any person interested in any legal business offers to procure the employment of any legal practitioner in such business.'

The question is that that amendment be made.

The motion was negatived.

**Mr. Deputy President:** The question is:

"That this House do agree to the amendments made by the Council of State."

The motion was adopted.

## THE MADRAS CIVIL COURTS (AMENDMENT) BILL.

**Mr. H. Tonkinson** (Home Department: Nominated official): Sir, I move that the amendments made by the Council of State in the Bill further to amend the Madras Civil Courts Act, 1873, be taken into consideration.

Honourable Members will remember that the Bill as passed by this House enabled the Madras High Court to empower District Munsifs as well as Sub-Judges to decide contentious probate and administration matters. The amendments which have been made in the Council of State are to omit entirely the provisions in regard to District Munsifs. Those who remember the discussions which then took place will remember that you, Sir, suggested in regard to the proviso to sub-section (3) of proposed section 29 that provision might be made for the appeals from an order of a District Munsif going direct to the High Court. In view of your remarks on that occasion we considered the whole effect of the Bill and we decided in the

[Mr. H. Tonkinson.]

first place that under the Bill as drafted after the appeal from the District Munsif's decision to the District Judge there would be no second appeal; that is to say, in a case disposed of by a District Munsif there would be no chance of getting to the High Court at all. In those circumstances we consulted the Madras Government as to the best course to take, and the action which was taken in the Council of State on the recommendation of the Government was in accordance with the advice which we received from the Madras Government. The question was really whether we should cut out all possible references to the High Court altogether in cases disposed of by District Munsifs; that is to say, whether we should leave the Bill as passed by this House or whether we should provide for a second appeal. A provision for a second appeal has been made in Bombay, and there is a similar but different provision in force in Bengal, in Agra and Assam, which we believe, however, has now no effect. A third possible course was to cut out the District Munsifs altogether. That is the course which has been taken in the Central Provinces by an amendment of the law made there in 1923, and that is the course which we have actually adopted. A fourth possibility would have been to trouble the High Court with appeals direct from District Munsifs. I submit, Sir, that we have followed the best course in disposing of a somewhat difficult problem. Sir, I move.

**Mr. Deputy President:** The question is:

"That the amendments made by the Council of State in the Bill further to amend the Madras Civil Courts Act, 1873, be taken into consideration."

The motion was adopted.

**Mr. Deputy President:** The question is:

"That this House do agree to the following amendments made by the Council of State:

'In clause 2 in the new section 29 proposed to be inserted in the Madras Civil Courts Act, 1873:

(a) the words 'or District Munsif' wherever they occur, and

(b) the proposed sub-section (3)

be omitted."

The motion was adopted.

## THE INDIAN BAR COUNCILS BILL.

**The Honourable Sir Alexander Muddiman** (Home Member): Sir, I beg to move that the Bill to provide for the constitution of Bar Councils in British India and for other purposes, be referred to a Select Committee consisting of Mr. L. Graham, Mr. K. C. Neogy, Mr. S. C. Ghose, Diwan Bahadur M. Ramachandra Rao, Diwan Bahadur T. Rangachariar, Sir Chimanlal Setalvad, Mr. Devaki Prasad Sinha, Khan Bahadur Maulvi Ghulam Bari, Rai Bahadur Raj Narain, Rao Bahadur M. C. Naidu, Colonel Sir Henry Stanyon, Mr. Harchandrai Vishindas, Maulvi Muhammad Yakub, Sir Hari Singh Gour, Mr. K. Ahmed, and, I should like to add now, Sir P. S. Sivaswamy Aiyer, and the Mover; and that the number of members whose presence shall be necessary to constitute a meeting of the Committee shall be seven.



Sir, the Bill with reference to which I make this motion has been on the paper of the House for many days. The Bill and the Statement of Objects and Reasons has been in the hands of Honourable Members for their consideration and perusal almost since the beginning of the Session. It is only the regrettable diffidence in proceeding with Government business which has prevented me up to day from bringing this motion before the House. The Statement of Objects and Reasons was prepared with great care and has doubtless received the careful perusal of Honourable Members. I would merely say that the Bill is the result of our consideration of certain important recommendations of the Bar Committee, consideration which I think you, Sir, indicated on one occasion had been somewhat prolonged. That is true, but the consideration has been very thorough. The proposals of the Bar Committee in regard to the constitution of statutory Bar Councils were referred to the Local Governments and to the High Courts. As a result of the replies we have received from these bodies, we have had in some directions to amplify and in other directions to modify those recommendations, and these modifications and amplifications have been given effect to in the Bill. The Bill is also to carry out certain other recommendations of the Committee. In that connection I would refer the House to paragraph 2 of the Statement of Objects and Reasons where they will find these miscellaneous recommendations summarised in a very convenient form. Furthermore, the House has already had a full opportunity of considering in detail the modifications we have made in the actual recommendations of the Bar Committee. They have been summarised in paragraph 4 of the Statement of Objects and Reasons. I will therefore not weary the House at this hour by repeating them. The only point, therefore, on which really I feel it necessary to address this House is my object in making the motion at this time at the end of an expiring Session. My object is this. It is almost impossible nowadays, certainly in connection with a Home Department Bill, to consider a Bill of this nature with the care and leisure that it demands during the progress of the Session when the House meets always for four and sometimes for five days in the week. It is not possible to do so, and that is particularly the case with this Bill now. This Committee is a large one, and, as I think you will agree, is fully representative of all the interests in this House which are affected. I think therefore it was quite impossible to take up this Bill in Delhi. We propose therefore that the Committee should meet in Simla in the course of the summer. It is my intention, in order that the Committee may have further material to consider the Bill on, to circulate the Bill to Local Governments and High Courts by executive order. This is a Bill of very considerable importance. It is a Bill which affects vested interests in some degree. It is also a Bill which I think from what knowledge I have of India will excite considerable interest for it affects one of the most powerful classes in India, namely, the legal practitioners. I trust, therefore, the House will agree to my motion that the Bill be referred to a Select Committee. Sir, I move.

**Khan Bahadur W. M. Hussanally** (Sind: Muhammadan Rural): May I inquire, Sir, if the Honourable Member has obtained the consent of Mr. Devaki Prasad Sinha to serve on this Committee?

**The Honourable Sir Alexander Muddiman**: Most certainly: I should not otherwise have put it down. I had obtained his consent, and I have not received any application from the Honourable gentleman to withdraw his name. I have therefore allowed his name to remain in the motion.

**Mr. K. C. Neogy** (Dacca Division: Non-Muhammadan Rural): Sir, I realize that this is not a very favourable hour for making a speech in this House, but having been associated with the movement that has culminated in this Bill, I feel I would not be doing justice to myself if I were to give a silent vote on this motion. Sir, the movement that has resulted in this Bill had mainly three objects. First of all, the organization of the legal profession in India as an autonomous body, with power to enrol members and exercise control over members in regard to professional matters. The second object was the unification of the different branches of the profession, and the removal of the distinctions between Barristers and Vakils in regard to professional privileges. The third object was the abolition of the compulsory dual system which obtains particularly in Calcutta and Bombay in the original jurisdiction of the High Court. The Bar Committee have recommended the creation of Bar Councils as advisory bodies merely. But what is more, they have confined its operation only to the class of practitioners who practise in the High Court. The legal profession put forward a strong plea in favour of the constitution of Bar Councils exercising jurisdiction over all classes of legal practitioners, but this suggestion of theirs has not been acceded to by the Bar Committee, and it is not proposed in this Bill to create Bar Councils which will serve the pleaders of the district and mufassil courts. Sir, the mufassil lawyers will thus be left in the same position as they have been under the Legal Practitioners Act in matters relating to professional conduct. I am in a position to say that this has been widely regretted, particularly in Bengal where there have been some unfortunate cases under the Legal Practitioners Act of recent years which make the pleaders feel that they are absolutely at the mercy of the local courts. I trust, however, Sir, that the wider Bar Councils will not take long in coming in the wake of the restricted Bar Councils which we propose to set up to-day. Although the Bar Committee recommend the abolition of the distinction between the Barristers and the Vakils to a certain extent, they do not recommend the complete unification of these two different branches, nor do they recommend the abolition of the dual system in Calcutta and Bombay. The present Bill is even more unsatisfactory in so far as it is left for the High Courts of Calcutta and Bombay to regulate the admission of advocates who would be authorised to practise on the original sides of those two respective High Courts. The House, if it turns to the proviso to sub-clause (1) of clause 14 of the Bill, will find that the main provision of that clause which empowers an advocate to practise, does not apply to the High Courts of Calcutta and Bombay in the exercise of their original jurisdiction. Sir, I do not know on what grounds Government have decided to leave this very important matter to be regulated by rules to be framed by these two High Courts themselves. So far as we are aware, the High Courts of Calcutta and Bombay have not been very sympathetic in this matter in the past. If I may refer for a minute to the opinion expressed by the High Court of Bombay on the recommendations of the Bar Committee, it will be seen that Their Lordships are practically opposed to all the important recommendations made by this Committee. For instance, it is stated that:

"Their Lordships are of opinion that in the Bombay Presidency there is no necessity for any change now in the nomenclature of practitioners."

Next:

"Their Lordships are not in favour of a Bar Council being established by statute. They would certainly view with the gravest apprehension the establishment of Bar Councils with the power proposed to be given to them by the recommendations of the Report."

Thirdly:

"Their Lordships are opposed to the recommendation that Vakils of not less than 10 years' standing should be entitled to be admitted at once, to practise on the original side."

If we refer to the separate minutes recorded by the learned Chief Justice of the Bombay High Court and some other individual Judges, we find even stronger expressions of opinion on these points. It is therefore not quite clear to me why it is that the Government are leaving this particular matter, which in my judgment is the most important feature of the recommendations of the Bar Committee, to be regulated by these two High Courts at their discretion. I now come to the Calcutta High Court. I am perfectly aware that the Calcutta High Court have already framed certain rules which partly meet the recommendations made by the Bar Committee. But, Sir, I would refer to a very important recommendation of the Bar Committee in regard to which I am in a position to say that the Calcutta High Court have definitely made up their mind not to give effect to it. If the Honourable Members will turn to paragraph 33 of the Bar Committee's Report, they will find that one of the clauses, clause No. 7, runs thus:

"That vakils whose names are on the special list shall be subject to the same restriction as barristers when practising on the appellate side or in the subordinate courts."

Then, in sub-clause (8) of that paragraph we come across this recommendation:

"\* \* \* that proposal (7) shall remain in force for seven years and shall then cease to have effect unless the High Court, if there is no Bar Council, or the Provincial Bar Council with the approval of the High Court otherwise determines."

Sir, this is considered to be a very important recommendation, by at least the vakil section of the profession in Calcutta. Now, what do the High Court of Calcutta propose to do in this matter? As a result of correspondence which was carried on between the Vakils Association of Calcutta and the High Court, the High Court definitely stated as follows in a letter addressed in August, 1924, to the Honorary Secretary, Vakils' Association, Calcutta:

"I am directed to point out that the assumption in your letter that the disabilities of advocates as regards acting on the appellate side will automatically cease on the expiration of seven years is a misapprehension. This is not the intention of the Court."

I want my Honourable friend, the Home Member, to say whether it is his intention that this recommendation of the Bar Committee is to be given effect to or not. If it is to be given effect to . . . .

**The Honourable Sir Alexander Muddiman:** How does that arise on this Bill?

**Mr. K. C. Neogy:** It arises in this way. You are leaving one of the most important recommendations made by the Bar Committee to be given effect to by the High Courts of Calcutta and Bombay . . . .

**The Honourable Sir Alexander Muddiman:** I ask whether the Honourable Member is opposing consideration of this Bill or not; then I would know where I am.

**Mr. K. O. Neogy:** I am not. I am merely pointing out that you are not carrying out the recommendations of the Bar Committee.

**The Honourable Sir Alexander Muddiman:** Then, I submit, Sir, that my Honourable friend is out of order.

**Mr. K. O. Neogy:** Out of order? This Bill purports to give effect to the recommendations of the Bar Committee. It does nothing of the kind!

**The Honourable Sir Alexander Muddiman:** Not at all. This Bill purports to give effect to certain recommendations of the Bar Committee.

**Mr. Deputy President:** The Honourable Member may proceed.

**Mr. K. O. Neogy:** If it is a Bill to give effect to only certain recommendations, I am entitled to submit that it does not meet with the approval of this House.

**The Honourable Sir Alexander Muddiman:** Then my Honourable friend is opposing the motion to take this Bill into consideration.

**Mr. K. O. Neogy:** If you want me to formally oppose the present motion, I will do so.

**The Honourable Sir Alexander Muddiman:** I do not want you to oppose at all.

**Mr. K. O. Neogy:** If you leave this very important recommendation to be given effect to by the High Courts, better you had not appointed the Bar Committee at all.

**Mr. Deputy President:** I may mention that at this stage general principles can be discussed. I think the Honourable Member is perfectly in order in referring to the defects in the principle of the Bill.

**Mr. K. O. Neogy:** Sir, I have already given an indication as to what the attitude of the two High Courts in this matter is. I therefore ask, is it proper for the Government not to cover by legislation these very important recommendations of the Bar Committee? I think the Bar Committee cost something like Rs. 1,17,000.

**Mr. K. Ahmed (Rajshahi Division: Muhammadan Rural):** You are responsible for it.

**Mr. K. O. Neogy:** Certainly, and I almost regret it. If it is the intention of Government that these recommendations should be left to be given effect to at the discretion of the High Courts, I do not think that this large expenditure of money has been at all justified. I remember Sir Edward Chamier, the Chairman of the Bar Committee, giving expression to the view that if the Government of India were to refer the recommendations of this Committee to the High Courts of Calcutta and Bombay, they might as well apply a lighted match stick to this Report; because so far as Sir Edward Chamier was concerned, he did not believe that if you expected the two High Courts of Calcutta and Bombay to give effect to these most important recommendations of the Committee, they would do anything of their own free choice. Sir, the distinction as between Barristers and Vakils, which it was the intention of

the Bar Committee to remove, is proposed to be removed only in name, so far as the Calcutta and the Bombay High Courts are concerned. You propose, in this Bill, to call the Vakils by the name of Advocate in future. That is all. But, Sir, the Vakils of Calcutta are not ashamed of the term "Vakil". As a matter of fact, past members of the Vakil Bar have shed lustre on the legal profession in Calcutta and elsewhere. And we feel proud of that term.

**Mr. K. Ahmed:** What are you doing now? Going back?

**Mr. K. C. Neogy:** Then again, Bar Councils will merely be advisory bodies. In this respect, the recommendations of the Bar Committee are rather unsatisfactory, and the Bill merely gives effect to those recommendations. But here again we find that so far as the Calcutta and the Bombay High Courts are concerned, the very constitution of these advisory bodies has been left to be regulated by these High Courts, because we find that it would be for the Calcutta and the Bombay High Courts to determine the proportion of Barristers and Vakils that will be entitled to be elected members of these Bar Councils.

**Sir Hari Singh Gour** (Central Provinces Hindi Divisions: Non-Muhamadan): That is for the Select Committee.

**Mr. K. C. Neogy:** Certainly. I am pointing out the defects of the Bill, as I think they should be attended to in the Select Committee.

**Sir Hari Singh Gour:** You will be there.

**Mr. K. C. Neogy:** I will be there, but I must not be taken to have assented to all these defects in the Bill. Again, we find that under one provision, it is proposed to empower even the subordinate courts to make inquiries into allegations of professional misconduct against Advocates of the High Court. I think here is a serious departure, because so far as I know the subordinate courts do not possess this power at present. Then again, it will be for the High Court to determine the number of legal practitioners that will be admitted every year. There is no such restriction in the present circumstances, and I do not know what considerations moved the Government to put in this clause.

Sir, I have made these observations so as to place on record the fact that the course which Government have adopted in not covering the entire field of the recommendations of the Bar Committee by legislation, is not commended by this House. And I trust that the Select Committee will so improve the Bill as to make it acceptable to this House.

**Mr. B. Das** (Orissa Division: Non-Muhammadan): Sir, . . .

**Sir Hari Singh Gour:** What do you know about law?

**Mr. Deputy President:** I must protect the Honourable Member. I do not think that any Member is entitled to ask another Member "What do you know about it?"

**Mr. B. Das:** Sir, I confess I am not a lawyer, but I am putting before the House certain facts on behalf of the Indian mercantile community, so that they may be considered by the Select Committee. The Indian Merchants' Chamber of Bombay strongly object to the passage in clause 2 (d) of the Statement of Objects and Reasons, wherein it is mentioned:

"where there is a compulsory dual agency system at present it should be allowed to continue."

[Mr. B. Das.]

They strongly object to that. They are of opinion:

"That the dual agency system prevails in the High Courts of Bombay and Calcutta, and, to a modified extent, in the High Court of Madras. The Bill completely fails to take into account the public opinion on this momentous question. It does not touch the real crux of the whole question, viz., the unification of the different grades of practitioners and the consequent doing away with the dual agency system where it is in existence."

For this reason, Sir, the mercantile community in Bombay and Calcutta, if they go in for litigation, have to pay three lawyers—two 5 P.M. counsel and one solicitor—in conducting one single case. This is very hard on the mercantile community. Sir, the Indian Merchants' Chamber represented the views of the Indian mercantile community in this matter to the Bar Committee as follows:

"The present dual system of advocates and attorneys should be discontinued and there should be only one grade of advocates. My committee are of opinion that the present dual system is responsible for the heavy costs in commercial suits and that it is not at all suited to the requirements of the country. As far as the Committee is informed, in several instances the parties have been deterred from filing suits in the High Courts to recover legitimate claims because of the high costs of litigation and similarly defendants have been deterred from putting forward their defence against an unjust claim for the same reason."

Later on they observe as follows:

"My Committee are informed that the dual system of advocates and attorneys is only known in London, Calcutta and Bombay and that even in other leading High Courts of India like the Rangoon High Court, for instance, it does not exist. Nor is it to be found, so far as the information of my committee goes, in the United States of America where the non-existence of that system has not proved the American Bar in any way inferior to the English Bar."

I also find that none of the Dominions or Colonial High Courts have got this dual agency system. As far as I understand the European Chamber of Commerce in Bombay, as early as the 17th May 1886, sent a memorial to the Government on the various disadvantages of the dual agency system. Mr. Charles Percy, M.P., introduced a Fusion Bill in the House of Commons to do away with this dual agency system and as far as the commercial opinion of England went, leading Chambers of Commerce and other public bodies passed resolutions in favour of this fusion. The Bill was even introduced but could not be passed.

Sir, I will conclude my speech by making a quotation from the Right Honourable Viscount Haldane, twice the Lord High Chancellor of England, who has publicly expressed his opinion in favour of the unitary system in the following words:

"Great industrial communities could not stand consulting two specialists where one would suffice. It seems to me inevitable that the time is drawing near when the two Branches of the one Profession are to be fused. Specialists there will be and must be, but the original barriers are not only out of place but, as I believe, damaging to both."

In his evidence before the Lytton Committee Lord Haldane has openly advocated the adoption of a unitary system in the Presidency towns in India. Sir, I hope that these objections which have been raised by the Indian mercantile community and which I am sure will be supported by the European community all over India will be taken into consideration by the Select Committee.

**The Honourable Sir Alexander Muddiman:** Just one word, Sir. I do not want my Honourable friend Mr. Neogy to be under the impression that my interruptions were unsympathetic. I can assure him that this was not the case. I was merely anxious to get on with the business as fast as I could. I may inform the House that it is not my desire that this Bill should be regarded as finally disposing of all the matters which arise in the Bar Committee's Report. We shall, after this legislation has been disposed of, have to examine all the rules that have been made by High Courts to ascertain what, if any, further action is necessary in the way of supplementary legislation. I hope my Honourable friend will be reassured by what I have said.

**Mr. Deputy President:** The question is:

"That the Bill to provide for the constitution of Bar Councils in British India and for other purposes, be referred to a Select Committee consisting of Mr. L. Graham, Mr. K. C. Neogy, Mr. S. C. Ghose, Diwan Bahadur M. Ramachandra Rao, Diwan Bahadur T. Rangachariar, Sir Chimanlal Setalvad, Mr. Devaki Prasad Sinha, Khan Bahadur Maulvi Ghulam Bari, Rai Bahadur Raj Narain, Rao Bahadur M. C. Naidu, Colonel Sir Henry Stanyon, Mr. Harchandrai Vishindas, Maulvi Muhammad Yakub, Sir Hari Singh Gour, Mr. K. Ahmed, Sir P. S. Sivaswamy Aiyer and the Honourable the Home Member; and that the number of members whose presence shall be necessary to constitute a meeting of the Committee shall be seven."

The motion was adopted.

## THE TRANSFER OF PROPERTY (AMENDMENT) BILL.

**Sir Hari Singh Gour** (Central Provinces Hindi Divisions: Non-Muhamadan): Sir, I shall take very few minutes to ask this House to pass the Bill amending the Transfer of Property Act which stands in my name.

Honourable Members will remember that when this Bill was committed to the Select Committee I stated more fully the reasons for this Bill. The Select Committee have since unanimously reported in favour of this enactment. I need only add that, while I accept this amended Bill as a compromise, I feel that it does not go far enough. The Bill intends to assimilate the law now to be embodied in the Transfer of Property Act to that contained in the Indian Succession Act. But the difference between the two Acts is vital for, while the Will under the Indian Succession Act is not required to be registered, and, therefore, the provisions regarding attestation under that Act are necessarily more rigorous, all important transfers covered by the Transfer of Property Act are now required to be compulsorily registered, and, therefore, the same degree of rigour need not exist in the attestation clause relating to such transfers. But this is a matter, Sir, which will be dealt with later on if necessary. For the present the Bill, as it emerges from the Select Committee, effects a considerable improvement upon the law as interpreted by Their Lordships of the Privy Council whose decision has since been followed by the Indian High Courts. Sir, I move.

The motion was adopted.

Clause 2 was added to the Bill.

Clause 1 was added to the Bill.

The Title and the Preamble were added to the Bill.

**Sir Hari Singh Gour:** Sir, I move that the Bill, as reported by the Select Committee, be passed.

**Mr. Deputy President:** The question is:

"That the Bill to explain certain provisions of the Transfer of Property Act, 1882, as reported by the Select Committee, be passed."

The motion was adopted.

The Assembly then adjourned till Eleven of the Clock on Thursday, the 18th March 1928.



## LEGISLATIVE ASSEMBLY.

*Thursday, 18th March, 1926.*

The Assembly met in the Assembly Chamber at Eleven of the Clock, Mr. President in the Chair.

**Mr. J. W. Bhore** (Secretary, Department of Education, Health and Lands): Before I move the motion standing in my name, I desire to apologise to you, Sir, and to the House and to my Honourable friend Maulvi Muhammad Yakub for not having been present here to answer the question which he put me yesterday. I very much regret that I had not noticed that the clock in my room was wrong and I was therefore misled as to the time. With your permission I shall now lay on the table the answer to question No. 1294.

*Answer to question No. 1294.\**

**Mr. J. W. Bhore:**

(a) Yes.

(b) The point will not be overlooked.

### DEMAND FOR SUPPLEMENTARY GRANT FOR ARCHÆOLOGY.

**Mr. J. W. Bhore** (Secretary, Department of Education, Health and Lands): Sir, I beg to move:

"That a supplementary sum not exceeding Rs. 50,00,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1926, in respect of 'Archæology'."

In placing this supplementary demand for the sanction of the House I would like to explain the reasons for advancing this proposal and to explain also our future intentions in this matter. Honourable Members are of course aware of the discoveries in the Indus Valley which have made this country a centre of world-wide interest in the field of Archæology and which promise to lift the veil, in part at least, from the story of the dead and forgotten civilisations which flourished in this country thousands of years before the Christian era began. The amounts which have been spent on excavation in this country during the past few years owing to the need for economy have been lamentably inadequate taking into account the field for exploration. In the year 1923-24 barely Rs. 9,000 were spent in the whole of India. In the year 1924-25 a sum of about Rs. 47,000 was provided but it was not until the recent discoveries had made it imperative

\*1294. **Maulvi Muhammad Yakub:** (a) Has the attention of the Government been drawn to a leading article published on page 2 of the *Muslim Herald*, dated the 4th March, 1926, as regards Muslim representation on the Royal Commission on Agriculture?

(b) Do the Government propose to consider the question of Muslim representation on the Commission when its personnel is under discussion?

[Mr. J. W. Bhore.]

that a larger effort should be put forth that a sum amounting to about Rs. 98,000 was provided in the Budget for the current year. It is, Sir, for the consideration of this House whether the wonderful avenues which promise at the present moment to lead to a knowledge of a period in human history possibly never before reached by us is to be seriously investigated. I feel sure the House will agree with me that they ought to be so investigated. If, however, any serious impression is to be made on the problems which have been raised by the Sind and the Baluchistan discoveries it is quite clear that much larger grants should be made available for excavation and that there should be some fixity and continuity about these grants to enable programmes to be carefully planned and thought out beforehand and to enable systematic progress in execution to be conducted. We believe that the best way of securing this is by instituting an Archaeological Fund and Government propose to initiate this fund by a grant of Rs. 50 lakhs. I ought perhaps to explain at this stage how that figure has been arrived at. Owing to the very meagre progress which has been made in excavation even on sites which are known to be of great archaeological interest, almost entirely due to the fact that very small sums have been allotted for this purpose in the past, we felt that justice would not be done to the cause of archaeological research unless a sum in the neighbourhood of about 2½ lakhs of rupees a year was made available for this purpose. It was therefore decided to allot 2½ lakhs of rupees for this work and Rs. 50 lakhs represents the capitalised value of this annual grant. Of course 2½ lakhs is more or less an arbitrary figure. I may say, however, that the Director General of Archaeology put forward definite proposals involving much larger expenditure but we felt that, having regard to the other claims upon us, this sum, namely, 2½ lakhs was a reasonable limit up to which Government might be expected to go. But, Sir, in putting forward this proposal for an Archaeological Fund we were influenced by other important considerations. We felt that the time had come to try and enlist the active interest, sympathy and assistance of the public in furthering the work of unravelling the story of the past. We also felt that if a fund of this nature were instituted it would attract contributions from all, rich and poor alike, who take an interest in archaeology and who are prepared to further its cause in this country.

**Mr. K. Ahmed** (Rajshahi Division: Muhammadan Rural): It is doubtful, Sir.

**Mr. J. W. Bhore:** Then, Sir, we hope that by having representative Indians on the board of management of this fund we should be able to associate the public more actively in its aims and objects. Further, Sir, while I must make this point quite definite that the bulk of the income from this fund must be spent through the Archaeological Department, which is the only trained organisation capable of functioning on an extensive scale, we hope that it will be possible to finance other approved agencies operating in this field and also to assist the younger generation of archaeological scholars and workers by grants and scholarships. We propose to vest this sum, in order to prevent its lapsing, in a temporary board of trustees constituted under the Religious and Charitable Endowments Act until a statutory board has been established and I propose to bring forward with the least possible delay a Bill for the purpose of constituting this Board. Then, Sir, the House will have a full opportunity for discussing the nature, functions and

constitution of this body. Sir, I have nothing more to add at present. I beg to move my motion.

**Diwan Bahadur T. Rangachariar** (Madras City: Non-Muhammadan Urban): Much as I am tempted to be persuaded by the eloquence of my Honourable friend and countryman Mr. Bhore, whose speech we all have learnt to listen to with respect and admiration, I am afraid we have to throw cold water on this proposal. The country stands in need of money. Archæology and digging the bowels of the earth are intended to expose to the world our ancient greatness. As it already stands proved to the hilt and requires no further proof, we are inclined to hold that it may wait for some time. The country is economically and industrially backward. The poverty of the people is admittedly appalling according to the official figures. The illiteracy of the people is something which a civilized nation like ourselves ought to be ashamed of. Industrial developments are lying in the background. Sir, we are just emerging from a state of financial depression, and at a time when a surplus is available, instead of devoting it to more utilitarian purposes—utilitarian from the material point of view—it is being devoted to archæology. I do not deny the great value which will be attached to this by archæologists and persons of that way of thinking. But, Sir, we want to look ahead, we have lost an enormous amount of time in various directions, *e.g.*, in developing the industries of the country, in starting a school of mines on healthy lines. We want more Dehra Dun colleges to develop military training in the country. We want more University Corps and more money to be devoted to the raising and training of Territorial Forces. Again, for primary education and in various other directions money is badly needed; and, Sir, it appears to me to be a very unwise move on our part to undertake this and treat it as more urgent than our other needs. Sir, the Industrial Commission made many recommendations years ago. Many of them still require to be taken in hand and worked. Only the other day we heard here that we cannot get Indians to fill certain posts for want of training facilities, for want of adequate workshop facilities for training Indians. So, if we have money available, there are many other more urgent ways in which we can spend it. We are not going to be robbed of the treasures which are hidden in the bowels of the earth. I am sure that in another 10 years we will be in a flourishing condition and will be better able to devote attention to those treasures. But now we want a mercantile marine; we want protection to industries; we want the reservation of the coastal trade; we want ships and to develop ship-building; all these things we want in order to compete with the rest of the civilized world. We want more capital for developing indigenous industries—protection-bounties, and for various other things. Why should we not accumulate these surpluses and see whether we cannot put them to better use. To use official language, much as I sympathise, the motion has my entire sympathy. (Laughter.) But, Sir, my heart is not in it. My reason will not allow me to vote for this. It appears to me that it will be an unpardonable sin on our part to devote this money at the present stage for this purpose. Sir, I oppose the proposition.

**\*Mr. B. Venkatapatiraju** (Ganjam *cum* Vizagapatam: Non-Muhammadan Rural): Sir, we feel it very much that the first Indian Secretary to the Government of India should be able to persuade a hard-hearted Finance Member to place 50 lakhs at his disposal for antiquarian research,

\*Speech not corrected by the Honourable Member.

[Mr. B. Venkatapatiraju.]

although this is an object which everyone who is interested in the subject will naturally support. But, Sir, there are many other things the Government have undertaken to do. Various Resolutions have been moved in this Assembly and the Government have agreed to carry out the proposals contained in many of them, though they have postponed their consideration till the finances could permit them to carry them out. Some three years ago I moved a Resolution in this House asking for an equal amount, about 50 lakhs, to be provided by way of annual grants of 2 to 5 lakhs for scholarships for Indian students to study in various scientific branches in foreign countries. I suggested a scheme in that Resolution; and the Government accepted the principle of that Resolution and said that when the finances permitted they would send students from India to study in foreign countries. Now I ask, if the Finance Member is in a position to spend 50 lakhs for a useful purpose, would it not be more beneficial if this proposed 2½ lakhs could be used annually in providing 150 to 200 students with scholarships to enable them to go to other countries for scientific study? Would it not benefit the country much more than to spend that sum in digging the bowels of the earth, as my friend Mr. Rangachariar put it, in order to disclose relics of the ancient civilization of India? Are there no other useful purposes for which the Finance Member can lend his aid? What Sir Basil Blackett really wants is to get 50 lakhs in the Government of India's Treasury, and he states that it is to be utilized for this purpose. There is a danger lurking in this which I notice. I must warn the House of it. Instead of coming up to us every year for this expenditure on the Archæological Department, Government want to take it once for all, so that they need not ask for the sanction of this Assembly from time to time. We know that when once the Government of India have placed a certain fund at the disposal of some trust on the lines of the one established in England, neither Mr. Bhore nor Sir Basil Blackett will be able to satisfy us that the funds are spent properly with reference to this Department, or that they are not spent in directions other than that intended, or are not wasted on the salaries of various officers. Also the present volumes published by the Archæological Department, which I have read for some years, are very costly and only very few people are able to purchase them. What is the use of them if they can be purchased only by very rich men and only a few hundreds are sold. Why should they not be published in a manner which is useful? Supposing some such suggestion is made in the Assembly, the answer will probably be that it is a matter which concerns the trust board, as in the case of the Imperial Bank, and we cannot interfere in it. Therefore I say, Sir, this is a matter which ought to be postponed for the present, till Sir Basil Blackett is able to wipe out not only the provincial contributions, but is also able to reduce the salt duty and the postal rates. Those are things much more important than archæological excavations which the Department of Education and Health now wish to indulge in. Therefore, Sir, I oppose the proposition, though with regret.

**Sardar V. N. Mutalik** (Gujrat and Deccan Sardars and Inamdars: Landholders): Sir, I have got some sympathy with the Resolution itself although I feel myself unable to support it as it stands at present. Sir, if Mr. Rangachariar claims Mr. Bhore as his countryman, so far as his services are concerned, I have more reason to claim Mr. Bhore as my countryman.

**Diwan Bahadur T. Rangachariar:** I meant Indian, nothing else.

**Sardar V. N. Mutalik:** Mr. Bhore comes from the same place from which I come. We were educated in the same institution and further we were contemporaries in college, although he was senior to me.

**Mr. K. Ahmed:** You did not go to England, did you?

**Sardar V. N. Mutalik:** But, Sir, the Resolution moved by my Honourable friend is really formidable in one respect. I have full sympathy with the Archæological Department. I am not the man to say that all these Departments should be neglected. Poor as we are, we ought to pay some attention to all the activities of the nation which are of cultural nature. But my objection is on another ground. I am really opposed to having a fund of this sort for a Department of the Government of India on which we are justified in spending only from current revenues. If we are to start a fund it means that we are going to take out a lump sum from the current year's revenue for expenditure, which is to be incurred from year to year that is, it may mean that we are going to penalize this year's revenue, this year's tax-payer, for the benefit of future generations. On that ground, Sir, I have an objection to this Fund. Secondly, when trusts are created, this House generally loses control over the expenditure. You are guided by fixed rules and an Act as to the lines on which you have to spend the amounts that will accrue to the Fund. If, Sir, we find at any future time that the Archæological Department requires to be run on different lines, perhaps we shall not be able to change the terms of the Act if we commit ourselves to anything by way of a trust and by way of an Act. I do not think, Sir, that we should agree to the principle in this case of a fixed fund and a fixed trust. If we adopt this principle, why not extend it, for example, to the Dehra Dun colleges and many other institutions which the Government of India are expected to run. This would be a bad precedent and I am therefore obliged, Sir, to oppose this Resolution. But I must say one thing, Sir. I do not agree with the previous speakers that we should not spend on archæology amounts which are required to carry on all the research work that is now being carried on. Recently I was in Taxila, and those who have visited all these scenes of research would be really impressed by the necessity of spending and of spending an adequate sum. I will not object on that ground, but, Sir, I am really not inclined to support the idea of creating a trust for that purpose.

**The Honourable Sir Basil Blackett (Finance Member):** Sir, I do not desire to say very much on this subject, but the Government of India are very anxious to make it plain to the House that they want to be guided by their views entirely in this matter. The proposal that is before the House is really, firstly, that a sum of 2½ lakhs should be provided in the year 1926-27 for Archæology. We have not included any such grant in the Demands for Grants that have been passed hitherto, because we proposed to provide that sum of 2½ lakhs in a different way. I trust that the House, whatever view they take of the form in which this Resolution is proposed, will agree that, if 50 lakhs is not provided as an endowment fund, 2½ lakhs shall be provided as an annual grant from next year. The Government are very anxious that the House should not feel that they are being hustled into giving a grant against their judgment.

[Sir Basil Blackett.]

Having said that, I would like to point out that I think there is a certain amount of prejudice created against this grant when it is suggested that it is competing with other grants. There is no real competition in this case. If you assume that 2½ lakhs is required to provide for archæological excavation year by year, it becomes purely a question, as Mr. Venkataraju rightly put it, of form and not really one of amount. The Government will be in just the same position if for a series of years 2½ lakhs is provided for excavation as they will be if they set aside 50 lakhs this year and do not provide 2½ lakhs year by year thereafter. The objects of the Fund do not, however, stop at that. Mr. Bhore pointed out that there are good reasons to think that once you had a fund of this sort in existence, it would grow from other sources. I do not say that there will be many donors of 50 lakhs besides the Government, but I think there might be a certain number of donors of quite large sums. Secondly, the Department naturally wants to be in a position to train men, and it cannot set to work to train men unless it can give them some security of tenure. A Finance Member in trouble is likely to look straight to an archæological grant for a reduction, I am afraid. So the Department naturally does not feel that it can embark on a big scheme or a big programme unless it has some security that the money will come in year by year. It has been stated that the result of giving this grant will be to withdraw the expenditure from the control of the House. If we had been able, as we had hoped at one time, to come forward with a Bill for the creation of a Trust Fund at this stage, the House would I think have seen that there was no reason to fear that result, because the Bill would have contained a provision showing how the Fund would be a popular fund, and the Trustees would be representative trustees, and the discussion of the Bill would have cleared up the points about the control of the Fund. But I would go further. I think it is suggested that a Fund of this sort which is going to be spent entirely by the Government of India ought not to be in the form of a fund, but ought to be in the form of an annual grant. There I think I must join issue. What Mr. Bhore and I want to see is a fund, controlled by trustees, which is spending certainly the proceeds of the interest of the Government grant but also considerable other sums as well—and I believe that an archæological fund is a peculiarly suitable one to be conducted by trustees such as the trustees of the British Museum rather than by a hard-hearted Government Department, and I believe in the end you would get better results, and you would have more continuity and more widespread interest if you create the fund. The suggestion that the money might have been spent otherwise I think ignores the fundamental point that it does not come into competition with expenditure of other kinds, once you assume that 2½ lakhs is sufficient. The matter is before the House for discussion, and I want them to feel that it is before them for their consideration and for their decision.

**Dr. K. G. Lohakare** (Bombay Central Division: Non-Muhammadan Rural): Sir, I now see there are two sets of views regarding the institution of this Fund, and I do not find fault with the other view that has been expressed. But I would point out to the House, Sir, that the Department of Archæology is spending about 12 to 13 lakhs annually, (*An Honourable Member*: "14 lakhs.") out of which nearly half the amount goes towards the payment of the officials and workers, while half

of it is spent on actual work. A small portion of this other expenditure goes towards excavation work. Now circumstances have so developed that the recent researches have attracted particular attention, and, consequently, this need of suggesting a permanent fund has been felt. The researches conducted by the Director General of Archaeology, Sir John Marshall, have so far received recognition, but the complaint regarding the work of the Archaeological Department is that this work is always so hidden that even persons interested in this study scarcely know what is done by the Department. No publicity, no public attention, no funds for further work was his condition. Naturally enough he felt he was not attended to. It is because of an inevitable need for a further grant for exploration that Sir John Marshall had in his mind an idea to approach foreign research workers so that in conjunction with such foreign research societies, he might be able to develop and explore the field of the finds in Sind. It is that danger, Sir, of the foreign societies agreeing to the proposal and thinking of joining hands with the Archaeological Department of the Government, a danger which they must avoid, that makes me ask Members of this House to support the idea of having a permanent fund for a continuous programme of work for this Department. The Department has neglected so long to take into confidence other workers in India in the field. It has neglected publicity too and the little publicity that is given by the foreign research workers is, it is said, practically either out of place or even mistaken. They cite the publication of Mr. Waddell on the interpretation of Indo-Sumnerian seals—as an illustration of the danger involved. Indian experts, Sir, view this matter with a grave concern. They say that if this branch of work is entrusted to foreign societies,—honest they may be—the danger of a misinterpretation of the former history and civilisation of India will be much greater than if it is left in the hands of the scholars in this country. That is one thing which private workers in archaeology maintain. Their other view is that in order that the results of the finds may be collated and a proper interpretation may be put upon them, it is absolutely necessary that the Indian Sanskrit scholars, who take an interest in ancient monuments and ancient finds, should have training in the Chaldean and Assyrian branches. In order that this may be done it is necessary that a continuous programme should be laid down by the Archaeological Department. But they feel that a board of trustees that is being contemplated now by the Government may not achieve that purpose. Their contention is that these private bodies and these private workers should be taken into consultation where a programme has to be worked out for a period of years. They are afraid that the money that would be set aside for a permanent fund would not be in the interests of the workers of the country itself. One of such expert workers suggests a scheme, that there should be a board of management consisting of representatives of the Oriental Faculties of the Indian Universities and some research workers who have been working on their own account in private fields in India. To these may be added representatives of the Archaeological Department, the Education Department and representatives of the Legislature. That is a scheme which they feel ought to be there in order that the fund may really serve the purpose for which it is meant. We are, Sir, in a difficulty both ways. If this fund is not instituted now, it is likely that we may lose chances and opportunities of getting endowments from other sources and in this way of helping the work itself. Government now give a start only to the

[Dr. K. G. Lohokare.]

fund. I may give the instance of Sir Ratan Tata who entirely financed the excavation of Pataliputra. There are persons who can be expected to contribute to such a fund and the fund may develop and yield much more money for this work. It is therefore that the 2½ lakhs of rupees we agree to would be a part of the annual income of the full grown fund that the research workers in India expect. But, Sir, in order that such things may be realised they lay down a condition that the board of trustees which Government contemplate should not be accepted. It should be a committee of management on the lines just suggested. If, therefore, a sum of 50 lakhs is going to be in the hands of the Department, simply to avoid criticism of this House every year, I should really join hands with my friends who have just expressed themselves as against the institution of any such fund; but if the Government are prepared to give weight to public opinion and take private workers in this country into confidence I am prepared—I do feel the necessity—to vote for the grant.

**\*Colonel J. D. Crawford** (Bengal: European): Sir, I and the non-official European group are entirely in sympathy with the objects underlying the Resolution moved by Mr. Bhore. We feel that excavation of this sort is of value, but we oppose the motion on a question of principle. The Honourable the Finance Member said that the first object really was the grant of Rs. 2½ lakhs annually for excavation purposes, and in so far as this is concerned, I and my group, and I believe many of the Honourable Members opposite, would be quite prepared to say "Go ahead, we will give you that amount annually". But we do not feel that it would be proper for us, as elected representatives, to surrender the right to examine expenditure on the part of our successors in this House; and that is really the feeling which makes us generally opposed to the starting of the trust fund. The expression of opinion that we would be prepared to give this sum annually and vote it annually in this House would, I believe, give the Finance Member and the persons concerned a reasonable assurance as to security of tenure in the case of work which they wish to develop. But when the whole House is constantly pressing for some reduction of taxes, we feel it is unwise to surrender our right to examine in detail every item of expenditure.

There is one point that I would like to make. Photographs of some of our archaeological excavations appear from time to time in the home papers and I do not see why the Department itself should not have the right of supplying such photographs on payment to papers not only in England but in India, which get them rather late now; and there is a source of money there. I also feel that with the large number of tourists who come to this country to see our national monuments there could be some scheme evolved whereby they could also subscribe to this work of excavation and maintenance of our national monuments. I feel that if the Finance Member will examine the possibilities of some such scheme that we would get a very large annual sum to help him towards excavation in archaeological research. Generally, however, we are opposed to the building up of the trust fund for the reason which I have stated, but are in favour of an annual grant.

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\*Speech not corrected by the Honourable Member.



**\*Diwan Bahadur M. Ramachandra Rao** (East Godavari and West Godavari *cum* Kistna: Non-Muhammadsan Rural): Sir, I should like to assure the Honourable Sir Basil Blackett that I and those who are associated with me in this House have no objection to an annual grant for the next year of Rs. 2½ lakhs for the purposes which he has in view. I may, however, inform the Honourable Mr. Bhole that when he asks us to set apart a sum of Rs. 50 lakhs for the purpose mentioned in the motion, we have a feeling that we would not at all be discharging our responsibility to the electorates that sent us here if we accept such a proposal. We feel, Sir, that there are many objects connected with education such as facilities for training for Indian youths and many other things of a similar kind which are very much more urgent than setting apart a sum of Rs. 50 lakhs as a trust fund for archæological purposes. I may inform Honourable Members that we are not opposed in the slightest degree to the continuance of the work of excavation which has been started in the Indus valley. But what we do feel is that there are objects which deserve the attention of the Government much more than the creation of this trust fund. Take, for instance, the question of the primary education in minor administrations committed to the care of the Government of India. May I ask if the Honourable Member has at any time considered the question of giving fixity and continuity of work for the expansion of primary education, say, in the North West Frontier Province or in Baluchistan or in Delhi? Have they ever considered the urgent needs of the present day? I ask the Honourable Members opposite to answer that question for themselves as well as for ourselves.

Then, again, Sir, we have three or four Universities which are directly committed to the care of the Government of India. My Honourable friend Sir Hari Singh Gour will certainly say something about the Delhi University. The needs of the Benares and Aligarh Universities have been insistently urged in this House and I understand that in the Budget for the coming year a paltry sum of Rs. 25,000 has been given to each of these Universities.

**The Honourable Sir Basil Blackett:** This is in addition to a non-recurring grant of 2 lakhs to each of these Universities.

**Diwan Bahadur M. Ramachandra Rao:** Even if you have given 2 lakhs to each of these Universities, it is very little. His Excellency the Viceroy, I remember, gave a very eloquent address the other day in which he said that Delhi will be one of the ideal Universities and he expressed the hope that future generations would be thankful to him and to those who are associated with the Government of India for the establishment of the University. Sir, one of the great difficulties of the present day is the establishment of universities without sufficient means of carrying on this work. Sir, there is a very rich field for the fixity and continuance of a progressive policy for the development of university education in this country. I may also inform the House that, even under the present Devolution Rules, the Government of India are entitled to establish new universities. Sufficient power has been reserved to them under our existing constitution for the establishment of new universities. It has been suggested in the Report of the Industrial Commission that there should be a technological college in this country. Although it is now 8 or 9 years since that

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Report was submitted to the Government, no attempt has been made to establish a technological college for instruction in all those subjects which are associated with technology. There, again, Sir, there is another opportunity for the Government either to put forward a scheme for a trust fund or to make suitable provision for the expansion of technological instruction in this country.

**Mr. K. Ahmed:** Start in the Dacca University!

**Diwan Bahadur M. Ramachandra Rao:** I have no objection, Sir. If my Honourable friend can induce Sir Basil Blackett and Mr. Bhole to part with a sum of Rs. 50 lakhs, we shall be only too delighted if they can give it for the object which Mr. K. Ahmed has in view. The whole question of educational facilities and the urgent need for its expansion has been gone into very fully in the Report of the Lytton Committee and I am rather surprised that no action has been taken up to date in expanding educational facilities in this country notwithstanding the valuable work done by that Committee. Having regard to all these circumstances, we Sir, as the representatives of the people and as persons who are closely acquainted with the needs of the present day, feel that it is absolutely impossible in the present circumstances to set apart even for so useful a purpose as archaeological work a sum of Rs. 50 lakhs. I must say, Sir, that in these circumstances we feel somewhat hustled when my Honourable friend asks us to consent to set apart this 50 lakhs for this purpose. I may also mention, Sir, that I have received some communications from Poona and other centres where persons interested in this subject feel that very meagre information is available as regards the purposes of this fund, as regards the future constitution of this board and many other matters, and therefore it is not at all possible to give our assent to this proposal. All the same, I may inform my Honourable friends on the other side of the House, without avoiding those hackneyed words, that they have our sympathy in connection with this archaeological work. I may assure them that we have absolutely no objection to set apart this amount either for next year or for the year after that provided they come forward every year and include that sum in the annual estimates. I do not see any objection at all nor do I see any difficulty in adopting this course, unless my Honourable friend thinks that the future Members of the Assembly will refuse to go on with the work which was begun in 1923 in regard to this work. I do not see any justification at all for that fear. Therefore, on all these broad grounds it is absolutely unnecessary to create a fund. We are willing to give the Government the necessary funds not only for next year but also for future years. Therefore, I take it, that no case has been made out for the creation of a trust fund. As has been pointed out, the little control that we have over the doings of the Archaeological Department will perhaps disappear with the creation of the trust fund with an endowment of 50 lakhs.

**Sir P. S. Sivaswamy Aiyer** (Madras: Nominated Non-Official): Sir, the speech of the Honourable the Finance Member has enabled me to come to a decision. I was for some time hesitating as to how to make up my mind as I am generally anxious to encourage expenditure on objects of cultural value. When you come to the question which of several such objects requires encouragement, you find yourself in great difficulty. There are so many competing objects of expenditure that it is not easy to make up-

one's mind and therefore one must be content to deal with each proposal as it comes up. So far as this proposal for encouragement of archaeological research is concerned, I am all in favour of it, but I hope the Honourable the Finance Member will be content to accept a grant for the year of 2½ lakhs and will withdraw the proposal for a permanent endowment. A permanent endowment has certain disadvantages. It will have a tendency to create a huge department. The salaries of the staff will absorb a considerable portion of the income of the endowment and it will also prevent us from diverting the income to other objects which we may find more useful, especially when we find at some future time that the necessity for proceeding with archaeological research has lost in importance. I am, therefore, in favour of making this annual grant of 2½ lakhs. It will bring the matter up before the Assembly year after year, it will give an incentive to the department to produce results and it will prevent the creation of a huge department. And, if we want to encourage expenditure on other cultural objects, we can decide from time to time between the various proposals which may be brought forward. For instance, I would like to encourage the study of the fine arts, painting, music, sculpture, or architecture and would be disposed to promote the study of these subjects by granting scholarships to students to go to foreign countries for training. Various objects of other kinds may be suggested from time to time. I think it is desirable that we should not commit ourselves to any definite scheme for all time to come.

**Mr. President:** The general opinion seems to be in favour of a grant of 2½ lakhs for the year. I do not know if any Member desires to move an amendment to that effect.

**Sir P. S. Sivaswami Aiyer:** Sir, I should like to move an amendment, namely:

"That for the original proposition the following be substituted:

'That a sum not exceeding Rs. 2,50,000 be granted to the Governor General in Council to defray the charge which will come in course of payment during the year ending the 31st day of March, 1926, in respect of Archaeology'."

**Diwan Bahadur M. Ramachandra Rao:** On a point of order, Sir. May I know whether it is open to any private Member to bring forward a supplementary Demand, and whether this amount can be granted to the Government at the instance of Sir Sivaswami Aiyer?

**The Honourable Sir Basil Blackett:** Will you allow me to put the matter beyond question. I will move the amendment myself. I do not say that I will necessarily support it, but in order that it may be left to the House to decide, I would like to move it.

**Mr. President:** The Honourable Member has already spoken. If any other Member of Government cares to move it, the Chair will consider it.

**Sir Hari Singh Gour** (Central Provinces Hindi Divisions: Non-Muhammadan): May I rise to a point of order? I understand there is a Resolution before this House and any Member is at liberty to move an amendment to the Resolution whatever may be the financial commitments of Government in consequence of that Resolution. I submit that any Member is entitled to move amendment to the effect that a certain sum of money may be granted for a certain purpose.

**Mr. President:** The Honourable Member is wrong when he says that there is a Resolution before the House. The motion is a supplementary Demand for Grant and as such it can be made by a Government Member only.

**Mr. M. A. Jinnah** (Bombay City: Muhammadan Urban): Sir, may I draw attention to the fact that the Demand is for a supplementary Grant of a sum not exceeding 50 lakhs to be granted to the Governor General in Council, which will come in course of payment during the year ending the 31st day of March 1926, in respect of Archaeology. The amendment proposed to be moved is a different thing altogether and is not germane to the motion before the House.

**Mr. President:** The Chair merely wanted to help Honourable Members to get out of this *impasse*.

**The Honourable Sir Basil Blackett:** I would suggest that the suggestion should not be pressed as it does not altogether appeal to the House, and that for the time being we continue to discuss the original motion.

**Mr. M. A. Jinnah:** I have no desire to put any difficulty in the way of Government if they are willing to accept the proposal made from this side of the House; but I must point out to the House that for that purpose we should not perpetrate an irregularity which may constitute a precedent. If the Honourable Member agrees to withdraw his motion and will bring forward to-morrow another motion in proper form, we on this side will agree.

**The Honourable Sir Basil Blackett:** On that understanding I suggested that the proposal should not be pressed at the present moment. If this grant is withdrawn or not passed, an alternative motion will be moved by Government probably without sufficient notice, if the Chair agrees.

**Mr. President:** The Government may be allowed to withdraw the motion.

The question is:

“That leave be given . . . .”

**Mr. J. W. Bhore:** Sir, I have not asked for the motion to be withdrawn. I would like to go to the House upon it so that there may be no doubt as to the general sense or feeling of the House.

**Mr. President:** I thought that the Finance Member had suggested that the motion should be withdrawn and a new motion brought forward to-morrow?

**The Honourable Sir Basil Blackett:** My suggestion was that if this motion was withdrawn or not passed, the Government should bring forward an alternative motion to-morrow. My suggestion was not that we should withdraw the motion at this stage.

**Mr. J. W. Bhore:** May I refer to certain points raised during the course of the debate. I think I ought first to thank the House for the very fair and generous—I would add kindly—criticism in regard to the motion that has been brought forward by me. I do think however, that I should try to remove the misapprehension that seems to exist in the minds of certain Members, that we have brought forward this proposal without paying due attention to other and what they consider to be more urgent claims on the public funds. I think it is only fair that I should try and remove that misapprehension. I may say that

if this Department had felt that the allocation of this sum was in any way likely to affect those beneficent activities which Honourable Members have referred to, I do not think that this Department would have put forward the present proposal.

I should like to explain what the position is. This grant does not really come into competition with the other activities mentioned by Honourable Members. Let me first take the case of Medical Research, the claims of which I think are of primary importance. The Inchcape guillotine cut off all subsidies for this purpose in 1923-24. In the year 1924-25, with the improvement in finances, 3 lakhs were allotted for this purpose. For the coming year those 3 lakhs have swelled to four lakhs and ninety-two thousand. The House will therefore see that we are making progressive efforts in this field, and that these activities are not in any way being starved. Take next the question of Education, which, Diwan Bahadur Ramachandra Rao very legitimately referred to. I would like to explain to the House the position in regard to this. I would not like it to be felt that we have treated the case of the three universities mentioned by my Honourable friend without sympathy and without understanding. We realise that Aligarh is a place which inspires great ideals and high traditions. Benares which will always be associated with the name of Pandit Madan Mohan Malaviya, we recognise as an institution which is an asset not merely to the community after which the university is called but to the nation at large. We do recognise that Delhi stands in a certain special relation to the Government of India, and we share the hope that one day it will become a seat of learning which will be worthy of this Imperial city. I do wish to point out that we have been making progressively larger grants to these institutions. For instance in the coming year we propose to give 4½ lakhs more than in the current year to these universities; in the year after that, 1927-28, we hope to give 6½ lakhs more and I would point out that it is still open to any university to make out good case for special treatment.

**Mr. M. A. Jinnah:** So would Archæology make out a good case for an additional grant.

**Mr. J. W. Bhore:** I would point out that in regard to Education retrenchment has in the past not perhaps allowed it to expand as people might legitimately expect it to do. But I may say for the information of the House, and I am sure the House will be glad to hear it, that the Honourable the Finance Member has now agreed to our undertaking, and in fact it is at his instance that we are doing so, a survey of the whole field of education in administrations under the Government of India with the definite object of framing a five-year programme of advancement and expansion (Hear, hear), and I hope, Sir, those Members of the House who are here next year (laughter) may see the results of that survey reflected in the financial provisions of the next Budget . . .

**Khan Bahadur W. M. Hussanally** (Sind: Muhammadan Rural): What about the step-motherly treatment by the Government of India of the Bombay Presidency?

**Mr. J. W. Bhore:** I have only a few words more to add. The point I want to emphasize is that by making this grant of 50 lakhs we are liquidating once and for all our commitments in regard to archæological excavation and research, and that if further advances are to be made in that

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connection, they must be financed from other sources. I hope, Sir, that the House will not regard this proposition merely as an endeavour to get money to dig up old bones and curious relics of a bygone age. I do hope they will regard it as a real contribution to the cause of knowledge and education which will help this country to take its rightful place in the estimation of all scholars and thinkers the world over.

**Colonel Sir Henry Stanyon** (United Provinces, European): May I ask on what basis of justice the tax-payer of to-day is to be required to find the money for generations of research yet to come?

**Mr. President:** It will be for the Chair to decide whether, if this motion is lost and the Honourable Member comes up with a motion for 2½ lakhs to-morrow, such a motion should be admitted.

**Mr. M. A. Jinnah:** And also we are free to support it or not.

**Mr. President:** The question is.

"That a supplementary sum not exceeding Rs. 50,00,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March 1926 in respect of 'Archæology'."

The motion was negatived.

#### RESOLUTION *RE* RATIFICATION OF THE DRAFT CONVENTION OF THE SEVENTH INTERNATIONAL LABOUR CONFERENCE REGARDING COMPENSATION FOR OCCUPATIONAL DISEASES.

**Mr. President:** The House will now resume further consideration of the following Resolution moved by the Honourable Sir Bhupendra Nath Mitra on the 19th February, 1926:

"That this Assembly having considered the Draft Conventions and Recommendations adopted by the Seventh International Labour Conference recommends to the Governor General in Council that he should ratify the Draft Convention concerning workmen's compensation for occupational diseases."

**Mr. N. M. Joshi** (Nominated: Labour Interests): Sir, I beg to move an amendment to the Resolution proposed by the Honourable Member for Industries and Labour. My amendment is this:

"That for the original Resolution the following be substituted:

'That this Assembly having considered the draft Conventions and Recommendations adopted by the Seventh International Labour Conference recommends to the Governor General in Council that he should ratify all the draft Conventions, namely:

1. Equality of treatment for national and foreign workers as regards workmen's compensation for accidents.
2. Night work in bakeries.
3. Workmen's compensation for accidents.
4. Workmen's compensation for occupational diseases; and give effect to the recommendations concerning:
  - (1) Equality of treatment for national and foreign workers as regards workmen's compensation for accidents,
  - (2) Recommendation on minimum scale of compensation,
  - (3) Recommendation concerning workmen's compensation for occupational diseases."

Sir, when this Resolution was being discussed last time, I pointed out how the Government of India were not fair to this House in placing these proposals before this House in the way in which they did. My amendment gives an opportunity to the House to discuss all the proposals involved in the Conventions and Recommendations which are now placed before this House for consideration. The Honourable Member in charge of the Department stated that he proposed to ratify only two Conventions, namely, (1) as regards the equality of treatment for workmen's compensation, and (2) the Convention regarding occupational diseases. He stated that for the ratification of the first he did not require the sanction of this House and therefore he asked this House only to ratify the Convention regarding occupational diseases. Sir, as regards the constitutional point whether the Government of India require the sanction of this Assembly or not for the ratification of those Conventions which do not require any legislative action, I do not wish to say much, but I state as my view that the Government of India cannot ratify any Conventions without the sanction of this Legislature. But, Sir, if the Government of India take the other view, I do not wish to quarrel with them on this occasion. Now, my recommendation is that the Government of India should ratify the other Conventions and take suitable action on the Recommendations also. One of those Conventions which I ask this Assembly to request the Government of India to ratify is regarding night work in bakeries. Let it be understood that, when we are talking of prohibiting night work in bakeries, night work really is defined as work between 10 P.M. or 11 P.M. and 4 or 5 A.M. Bakeries can work up to 10 or 11 P.M. and they can again be started between say 4 or 5 A.M., so there will not be very much inconvenience caused to those people who are accustomed to eat bread from these bakeries. Then, Sir, the Honourable Member, when he spoke on this subject, stated that there would be great difficulty in controlling the sweetmeat establishments. Sir, I do not see much difficulty in controlling these establishments. I do not think there are many of these establishments which do their work after 10 or 11 at night, and I do not think they begin their work before 4 or 5 A.M. Therefore, there will not be much difficulty in controlling these establishments because there are very few establishments that work during those hours. On the contrary this Convention will be useful for those people who are working in bakeries where a large number of people are employed and there night work will be prohibited. Moreover, Sir, even if the Government of India think that they cannot accept this Convention, the Government of India, when they place a motion like this before the House, could tell the House whether they propose to take any action as regards these matters. The owners of bakeries naturally want bakeries to work at night, but it is not good for the health of the workers that they should go on working at night. Therefore, there must be some control over night work in bakeries, and I want the Government of India to tell this House whether they propose to examine this problem and see if they can take some action, even if they cannot ratify this Convention.

Then, Sir, there is the Convention as regards workmen's compensation for accidents. That is really the most important Convention in the list of Conventions laid before this House, and I am surprised that the Government of India should not ratify that Convention. We have got a workmen's compensation law in our country. That law was passed some years ago and I think it requires revision very badly. We want that law to be brought into line with the up-to-date laws as regards workmen's

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compensation. Now, Sir, the Convention that was passed by the Labour Conference held at Geneva last year has not recommended a Convention which is impossible of ratification even by a country like India. It is not difficult for India to ratify that Convention. We shall have to bring into the scope of our law some more classes of people it is true, but that reform is badly needed. The law which we passed did not bring within its scope a large number of workers who ought to have been brought within the scope of that law, and if we ratify this Convention the large number of people who are already kept out of the scope of this law will be brought within its scope. I therefore think that the Government of India should ratify this Convention. The ground which the Honourable Member gave for non-ratification was that we had passed our law very recently. But, Sir, it is now more than three years since that law was passed and it is time now that we should revise that law and bring it into line with the Convention passed at Geneva last year.

Then, Sir, my amendment also proposes that Government should take action on the Recommendations regarding equality of treatment for national or foreign workers, as regards workmen's compensation for accidents. I am quite sure Government will not find much difficulty in accepting this Recommendation. The only Recommendation to which Government really will take objection seriously is the Recommendation regarding the minimum scale of compensation. Here again it is the most important Recommendation of the Recommendations which have been placed before this Legislature, namely, regarding the minimum scale of compensation. We have a workmen's compensation law but the scale of compensation paid according to our law is very meagre and that scale requires to be revised. The Recommendation made by the Washington Conference lays down for instance that in the case of death compensation should be paid to the dependants which compensation must be at least two-thirds of the earnings of the deceased. Now according to our law the maximum compensation to be paid for death is Rs. 2,500 or 30 months' wages, whichever is less. Now, Sir, take the case of a man who is earning Rs. 30 a month. The dependants of that man will, according to our present law, get Rs. 2,500 but if you adopt the minimum scale as recommended in the Recommendation passed at Geneva, that man's dependants should be able to get Rs. 20 a month—that is, Rs. 240 a year. Now, Sir, Rs. 2,500 cannot give the dependants of that man Rs. 240 a year. The dependants of that man may get about half of what the Geneva Recommendation recommends. I therefore think that the time has come when the minimum scale of the rates of compensation should be revised. Now, Sir, here again the Government of India should take early steps to adopt this Recommendation and give effect to it.

Sir, before I close I would like to say one word as to the policy which the Government of India have adopted as regards these Conventions and Recommendations. Even if the Government of India consider that they cannot ratify these Conventions or give effect to the Recommendations they should at least examine these Conventions and Recommendations in consultation with a representative committee of this House and even if the committee comes to the decision that they cannot fully ratify the Conventions and fully carry out the Recommendations, it is open to the Government of India to state what action they will be able to take on these Conventions and Recommendations. It is true that if they do not fully adopt a Convention or if they do not fully give effect to a Recommendation, they



cannot ratify; but even if they cannot ratify it is open to them to examine in consultation with this House the proposals contained in these Conventions and Recommendations and try to give effect to them as far as at least as they can do it. Sir, I move my amendment.

**The Honourable Sir Bhupendra Nath Mitra** (Member for Industries and Labour): Sir, I shall first deal with the allegation of my Honourable friend Mr. Joshi that we have adopted on the present occasion a procedure which is different from that adopted by us in the past. One of his submissions was that it is for Government to have a Resolution of this House in regard to the action to be taken on all these Conventions. Now, Sir, as I mentioned the other day, all that Article 405 of the Peace Treaty requires is that each of the members shall bring the Recommendations and draft Conventions passed at any session of the International Labour Conference before the competent authority or authorities within whose competence the various matters lie for the enactment of legislation or other action. That is perfectly clear. I shall then quote to the House what Sir Thomas Holland said on the subject on the 19th February, 1921:

"It will be noticed that I am offering no Resolutions regarding certain of the Conventions and Recommendations. This is because some of them have already been anticipated by law, for example, night work of women and young persons is covered by the existing Factories Act; the prohibition of the use of white phosphorus which we have legislated for following the Convention of Berne of 1906; and the question of the employment of women at the maternity period."

Mr. Joshi was perfectly correct the other day when he said that on one particular occasion we submitted for the acceptance of this House a Resolution on a particular matter which did not involve legislation. That, Sir, was in the early days of these International Labour Conventions. Since then we have come to know more about the procedure in other countries and also about the correct procedure to be followed under the terms of the Peace Treaty in India itself. I shall quote here what Mr. Ley said in this House on the 1st February, 1923:

"It will be observed, Sir, that this Resolution refers only to agricultural workers and it may be held that it is really so obvious, that I may reasonably be asked why it is necessary to trouble the House with the matter at all. I will briefly explain the reason. The reason is merely this, that India being a member of the International Labour Organisation, a member of the League of Nations and a signatory to the Treaty of Peace, is obliged under Article 405 of the Treaty of Versailles to lay before the competent authority in India (that is to say, before the Legislature in respect of matters which require legislation) any draft Conventions or Recommendations passed at any meeting of the International Labour Organisation, etc., etc."

Now, Sir, that was in 1923. My Honourable friend Mr. Joshi was in this House then and he did not challenge that statement.

The other point which my Honourable friend Mr. Joshi has raised is that we have acted incorrectly or improperly in placing before this House all these various draft Conventions and Recommendations through a single Resolution. Now, Sir, as I said the other day, that is more or less the procedure followed in England. I shall quote from *Hansard* of the 9th May, 1923:

"The Minister of Labour moved that this House approves the policy of His Majesty's Government respecting the draft Conventions and Recommendations adopted at the third and fourth sessions of the International Labour Conference held at Geneva in 1921 and 1922 respectively."

That was all. It covered all the draft Conventions and Recommendations. A similar course of action has been taken in this country too on several occasions in the past.

[Sir Bhupendra Nath Mitra.]

I shall now proceed, Sir, to deal with Mr. Joshi's amendment on its merits. I may say, at the outset, that we are at one with my Honourable friend, Mr. Joshi, on this point, that we should take progressive action by means of legislation for the protection and welfare of the labourers in this country. The point on which we differ from my Honourable friend is in regard to the pace of the progress. As a matter of fact, in the last five years we have passed a number of enactments intended to protect, and improve the welfare of, labourers. Mr Joshi, however, wants us to run before we are in a position to stand. Now, Sir, that is an attitude which I cannot support. The action which he wants us to take in regard to these various draft Conventions and Recommendations, which really represent what I may call the ultimate goal to be achieved, must be suited to present day conditions in this country. It is obvious that it would be unwise to advance at a rate with which social conditions and the state of development of industries and of labour organisations in this country can hardly keep pace. We cannot wholly overlook in this connection the effect on the development of our industries of an over-rapid progress in the matter of labour legislation. In fact if we did overlook the point, the result may be a fully developed and up-to-date code of labour laws on lines fully satisfactory to my friend, Mr Joshi, and also to my friend, Mr K. Ahmed, but the result may also be that we shall kill all industries and leave the country in a state where there may be no labourers to be protected by legislation.

Now, Sir, I said on the last occasion that it was our intention to ratify two of the Draft Conventions, but that as only in regard to one of these legislation would be required we placed a specific Resolution before this House for the ratification of that Convention. My friend Mr Joshi, wants us also to ratify two other Draft Conventions. The first of these relates to night work in bakeries. Mr. Joshi's arguments were that if we ratify the Convention no inconvenience would be caused to consumers. He also mentioned something about sweetmeat establishments, and I gathered that he was quoting me. Now, Sir, in the speech which I made in this House on the 18th February, 1926 I cannot find anything on the subject of sweetmeat establishments. Mr Joshi next said that night work in bakeries was not good to the health of bakers. Well, Sir, I join issues with him. As it is, the draft Convention admits that in tropical countries night work in bakeries may be good for the health of the workers and it is for that reason that the Convention provides for certain exemptions from the operation of Article 1 of the Draft Convention. In fact, as I said the other day, there is an article in that Convention which permits the competent authority in each country, after consultation with the employers' and workers' organisations concerned, to make such permanent exceptions to the operation of the Convention as are necessary in the particular circumstances of the baking industry in tropical countries. I also said that in India the exception would have to become the rule, and that we had not at present any employers' and workers' organisations which we could consult. Those were the reasons, Sir, which I gave the other day why we proposed not to ratify this particular draft Convention. Mr. Joshi has not produced any reasons to rebut my arguments, and that being so, I maintain the position which I placed before this House the other day.

We next come to the Draft Convention relating to workmen's compensation for accidents. Here, Sir, Mr. Joshi said that that Act was

passed some years ago. He unintentionally or intentionally did not state the fact that the Act came into force from the 1st July, 1924, and therefore has not yet been in operation for two years. He also mentioned that it was not difficult for India to ratify the Convention. I shall read for the information of the House Article 15 of the Draft Convention:

"Subject to the provisions of Article 13 each principal which ratifies this Convention agrees to bring the provisions of Articles 1, 2, 3, 4, 5, 6, 7, 8, 9, 10 and 11 into operation not later than the 1st January, 1927."

Sir, is that a practical proposition? Now, Sir, I shall in regard to the merits of Mr. Joshi's proposal only repeat what I said the other day: we consider it highly undesirable at present to embark upon any radical amendment of our law, which would be necessary immediately if we ratified this Convention. Until we have gained fuller experience of its working and are in a position to judge how far it has achieved the end for which it was designed and whether there is need for a further advance in the conditions prevailing in India. When such experience has been gained and we find it necessary and desirable to undertake an extensive revision of our law, the provisions of this Draft Convention will not be overlooked.

I have dealt now with the draft Conventions. In regard to the Recommendations, as I said the other day, no action is required in regard to the first Recommendation which relates to the equality of treatment for national and foreign workers as regards workmen's compensation for accidents, for the simple reason that our Workmen's Compensation Act makes no distinction between national and foreign workers. It is not possible for us to accept the Recommendation relating to the minimum scale of workmen's compensation, because that would involve a material amendment of the existing Workmen's Compensation Act.

As regards the third Recommendation, I said the other day that part of it was covered by the workmen's compensation rules, and it was not practicable at the present moment for us to give effect to the other part.

The fourth Recommendation relating to the adoption of a simple procedure for revising the list of diseases regarded as occupational under the law on the subject of workmen's compensation is already met fully by the provisions of section 3 (3) of our Workmen's Compensation Act, and no further action on our part is necessary.

Well, Sir, I have now fully explained the position to the House, and I regret that I am unable to accept the amendment proposed by my friend Mr. Joshi.

**Mr. B. Das** (Orissa Division: Non-Muhammadan): Sir, I am not in love with the League of Nations nor with the International Labour Conferences, the Imperial Conferences, the Hague Conferences or the Geneva Conferences. Sir, a year or two ago, I said on the floor of this House that the League of Nations is a big hoax which was manufactured by the big politicians of England and the Continent who managed to kill one million of combatants and disabled six millions of the best manhood. . . .

**Mr. President:** I would ask the Honourable Member to be relevant. (Hear, hear.)

**Mr. B. Das:** Yes, Sir, but I am merely going to touch on the constitution of the League of Nations. Sir, on this League of Nations India is entitled to a place as also on the International Labour Conference. India

[Mr. B. Das.]

did not require that position, because India has no status in that conference. India has no equality with the Dominions and free kingdoms of Europe and America that are represented on the League of Nations and other Labour Conferences. Every year we send our representatives to these International Labour Conferences. . . .

**Mr. President:** That is not the question. The question before the House is whether a certain draft Convention should be ratified by this Assembly or not. The Honourable Member must confine himself to the Resolution before the House, and not criticise the constitution of the League of Nations or of the International Labour Conference.

**Mr. B. Das:** Well, Sir, I bow to your ruling. As it is, the decisions of these Labour Conferences are thrust down our throats. Our personnel of representation is not satisfactory. We have no adequate voice in those Conferences, and generally these representatives of labour of European countries know very little about Indian conditions. Whenever they pass any pious resolutions such as the non-export of opium to China or some resolutions on labour questions, those pious resolutions are brought before this House and ratified by the Government on the floor of this House. To me it is immaterial whether I accept the Resolution of the Honourable Member for Labour and Industries or support my friend Mr. Joshi's amendment. I say that the League of Nations, International Conferences and Imperial Conferences are of no use to India in our present condition when we are servile to the delegates of the British Empire and we have no status at these Conferences. . . .

**The Honourable Sir Bhupendra Nath Mitra:** Is the Honourable Member opposing the main Resolution?

**Mr. B. Das:** I would oppose both but I am laying my views before this House . . . .

**Mr. President:** The views of the Honourable Member on the constitution of the League of Nations or the International Conferences are absolutely beside the point.

**Mr. K. Ahmed** (Rajshahi Division: Muhammadan Rural): Sir, the amendment that stands in my name runs thus:

"That at the end of the Resolution the following be added:

'Provided that the benefits under the Convention are extended to Indian seamen'."

**The Honourable Sir Bhupendra Nath Mitra:** On a point of order, Sir. Should we not dispose of the first amendment before we come to Mr. K. Ahmed's amendment?

**Mr. President:** Both amendments might be discussed together. They will be put to the vote separately.

**Mr. K. Ahmed:** When my Honourable friend was making a speech in reply to the first amendment, he said that Mr. Joshi should not come to the protection of workmen in this country like this: at present his department can only stand and Mr. Joshi expected them to run. He continued saying, we should first learn to stand before we attempted to run. . . .

**The Honourable Sir Bhupendra Nath Mitra:** On a point of order, Sir. May I ask the Honourable Member to refer me to the particular convention to which his amendment refers. If he will kindly turn to Article III of the Workmen's Compensation Act for accidents, he will find it stated "This Article shall not apply to seamen and fishermen for whom provision shall be made by a later Convention". That being the position, I submit, Sir, that the Honourable Member should indicate first the relevancy of his amendment to the Resolution now before the House.

**Mr. K. Ahmed:** I think the Honourable Member has caught hold of the wrong end of the stick, and he is reading certain extracts and lines which have no bearing on my amendment whatever. The Resolution before the House does not specifically refer to Indian seamen at all, and therefore I say, Sir, that my amendment is quite in order. Does the Honourable Member wish to avoid meeting an amendment like the one I am moving particularly when that body called the League of Nations across the ocean has not excluded Indian seamen? Will the educated and civilised people of the west and other countries who go to Geneva to represent labour say that the Indian seamen are to be excluded from such protection? Sir, as I said, my friend Sir Bhupendra Nath stated that Mr. Joshi in giving notice of his first amendment was desiring the Government of India to "run" before it could "stand". Sir, the Government of India have got legs no doubt and they have, seven Departments here. There are, Sir, seven Wonders of the World, and similarly there are seven Departments of the Government of India. My Honourable friend's Department is one of them, and on that Department, Sir, the poor labourers of this country have to depend, and these unhappy seamen who work, Sir, from morning till evening, from night till the next morning, not on land, but on water, are deprived of and shut out from the benefit, because, as my friend was reading certain extracts Indian seamen are exempted.

**The Honourable Sir Bhupendra Nath Mitra:** All seamen.

**Mr. K. Ahmed:** No doubt, Sir, all seamen are exempted. Sir, the seamen of India are different from their compeers in Europe. The latter have a lot of facilities. If a seaman in other countries in the ordinary course of his business as a seaman meets with any accident compensation is paid to him by all other civilized countries, but in this wonderful country of ours, and by the beautiful Department of my Honourable friend these poor workmen are not allowed even to seek the protection of the law courts and sue the Shipping Companies, because, Sir, the seamen are not included in the Indian Workmen's Compensation Act, in spite of our strong protest, as they are all European Companies of white people. My Honourable friend Mr. Willson who represents Messrs. Turner Morrison and Company, Ltd. has got a lot of seamen under him in their sea-going vessels. That Company has got a lot of beautiful steamers and they engage our poor workmen, the Indian seamen from East Bengal, my constituency, and from Assam. These poor men are badly paid, they are ill-fed and sometimes not given clothes at all. But in the case of the European seamen according to the Convention it requires that they shall be properly paid, properly fed and properly clothed, and that they shall be given shelter on the steamer, not on deck but in cabins. Sir, have we not travelled in other countries and seen how the European seamen are treated by the steamer companies? My Honourable friend has, I believe, crossed the Indian Ocean and he should have seen in crossing the Mediterranean how the sea tosses the steamer

[Mr. K. Ahmed.]

and how uncomfortable it is to travel and much more to work there especially during the monsoon time. My Honourable friend is imbued with the ideas of bureaucracy in this country in such a manner that he will never wake up. He even did not move to ameliorate the condition of Assam coolies after he had mosquito bites during his tour in Assam. He will side with those gentlemen who make unusual profits in this country and not with the poor labourer. Those profits should be divided between the labourer and the ship owners. But what is proposed is that our Indian seamen ought not to get the protection of the courts. If a man is killed his heirs cannot file a suit, and if he is injured he cannot sue for compensation against the European shipping companies here. In the time of my Honourable friend's predecessor, Sir Atul Chandra Chatterjee, Dr. Gour, now Sir Hari Singh Gour, made a very thrilling speech on my amendment in 1924 that the Indian seamen should be included in the Workmen's Compensation Bill and Sir Atul Chandra Chatterjee gave an undertaking that they would be included in the Workmen's Compensation Bill. Now, Sir, their exclusion is a great injustice to these people and a very inhuman thing. My Honourable friend in reply to Mr. Joshi's first amendment said that when you cannot "stand" you want to "run". Sir, you can neither "stand" nor "run". You are not an infant of one year, but you are old having been here for more than 150 years and you have been sleeping, though the sun has risen on the horizon long ago. In the year 1925 in reply to my questions the Government said that communications were passing between the President of the Board of Trade in England and the Government of India. What do you care for the Board of Trade? You should look after the protection of Indian working men and if you cannot do it your Department is a sham, it is meant not for the benefit of the working people, nor for the benefit of the Indian people, but for the benefit of those vested interests and it works as an engine of oppression over here. The sooner you mend matters and give these seamen protection the better for you. You might say "we are giving protection for workmen in the case of occupational diseases and what have you come here for?" True, but it is you who have deprived our seamen, it is you who did not include Indian seamen, it is you who said that the European shipping companies in India should be immune from the clutches of the law. They cannot be sued. They are above the Princes in India, they are above the Princes in European countries, because if they do damage they cannot be sued in India. It is like the convention of constitutional law that the King can do no wrong. The white companies cannot do any wrong. They kill people, they take all the profits away and the Government of India sit tight and say that they are immune. That is the position. You are sleeping and you are hopeless. The sun is shining in your face. Under the municipal law the Swarajist Chairman may arrest you, just as any one sleeping gets arrested within the municipal area, and punish you with a fine of say 0-8-0 for the offence under the bye-laws.

**Mr. President:** Order, order. The Honourable Member is not making a legitimate use of the privileges he enjoys as a Member of this House.

**Mr. K. Ahmed:** With these few words I move my amendment.

**The Honourable Sir Bhupendra Nath Mitra:** Sir, we have listened to a very amusing speech, as usual, from the Honourable Mr. Kabiruddin Ahmed, and the more I listened to that speech the more I doubted whether the Honourable Member was really serious. The draft Conventions with

which we are dealing are, firstly, equality of treatment for national and foreign workers as regards workmen's compensation for accidents. I do not see how my Honourable friend's amendment can fit in with that draft Convention. The next draft Convention is night work in bakeries. I cannot by any stretch of imagination make out how these unfortunate seamen are connected with night work in bakeries. The third draft Convention refers to workmen's compensation for accidents, and there, as I have already stated, one of the articles specifically says that that draft Convention shall not apply to seamen and fishermen for whom provision shall be made by a later Convention. If my Honourable friend had been serious he would have probably reserved his remarks to the stage when the other draft Convention came up for discussion in this House. Lastly, there is the fourth draft Convention which relates to workmen's compensation for occupational diseases. These diseases, to which reference is made in this draft Convention, are given in the Schedule appended to that Convention. That Schedule gives a list of diseases. It also gives a list of corresponding industries and processes. If my Honourable friend had been serious, he would have again discovered without any trouble that his amendment cannot possibly refer to that draft Convention, as we propose to ratify it as it stands. That being the position, here is nothing substantial before the House which requires any remarks or explanation from me. I submit, Sir, that that amendment is entirely out of order.

**Mr. President:** The amendment is not out of order. It may be absurd.

**The Honourable Sir Bhupendra Nath Mitra:** I bow to your decision, Sir. The amendment is absurd.

**Mr. K. Rama Aiyangar** (Madura and Ramnad *cum* Tinnevely: Non-Muhammadian Rural): What about the last clause at page 8, loading and unloading and transport of merchandise?

**The Honourable Sir Bhupendra Nath Mitra:** Seamen do not generally load and unload. In any case, we propose to ratify the draft Convention as it stands.

**Mr. President:** The original Resolution was:

"That this Assembly having considered the Draft Conventions and Recommendations adopted by the Seventh International Labour Conference recommends to the Governor General in Council that he should ratify the Draft Convention concerning workmen's compensation for occupational diseases."

Since which the following amendment has been moved:

"That for the original Resolution the following be substituted:

'That this Assembly having considered the draft Conventions and Recommendations adopted by the Seventh International Labour Conference recommends to the Governor General in Council that he should ratify all the draft Conventions, namely:

1. Equality of treatment for national and foreign workers as regards workmen's compensation for accidents.
2. Night work in bakeries.
3. Workmen's compensation for accidents.
4. Workmen's compensation for occupational diseases; and give effect to the Recommendations concerning :
  - (1) Equality of treatment for national and foreign workers as regards workmen's compensation for accidents,
  - (2) Recommendation on minimum scale of compensation,
  - (3) Recommendation concerning workmen's compensation for occupational diseases.'

'The question is that that amendment be made.

The motion was negatived.

**Mr. President:** Further amendment moved :

" That at the end of the Resolution the following be added :  
' provided that the benefits under the Convention are extended to Indian  
seamen '."

The question is that that amendment be made.

The motion was negatived.

**Mr. President:** The question is that the following Resolution be adopted :

" That this Assembly having considered the Draft Conventions and Recommendations adopted by the Seventh International Labour Conference recommends to the Governor General in Council that he should ratify the Draft Convention concerning workmen's compensation for occupational diseases."

The motion was adopted.

### RESOLUTION *RE* REDUCTION OF THE EXPORT OF OPIUM.

**The Honourable Sir Basil Blackett** (Finance Member): I rise to move the following Resolution :

" That this Assembly recommends to the Governor General in Council that immediate steps should be taken to give effect to the policy of progressively reducing the exports of opium from India except for strictly medicinal or scientific purposes so as to extinguish them within a definite period."

Sir, this Resolution is confined to the question of the Government of India's policy in regard to the export of opium. It is an international question and the Resolution is moved in order to prove to the world the good faith of India in regard to certain international agreements into which she has entered. The original step of which this is the logical consequence was taken 15 years ago. In the year 1911 it was decided that exports of opium from India to China should be progressively restricted and eventually abolished, so as to terminate such exports by the year 1917. That agreement was entered into with the Government of China and the Government of China on its side undertook that it would entirely prohibit the cultivation of opium in China. As a matter of fact that agreement lasted for only two years, because in the year 1913 the suppression of opium cultivation was taken up in China vigorously by the new republican government that had recently been established there, and the Government of India, in order to encourage China in this stricter policy, agreed in the year 1913 to abolish exports of opium to China altogether, and since that date there have been no illicit exports of opium from India to China. Our exports have been confined to those which go to the non-China markets in the Far East. With them also the Government of India are acting under an international agreement. That international agreement was eventually ratified by India in the year 1920, eight years after the Hague Opium Convention had originally been drawn up. But the Government of India had been acting on it meanwhile during the period since it was originally drawn up. The signatories to the Convention undertook that exports of opium should be restricted or prohibited by all the signatories to any country which desired the import of opium into its territories to be prohibited or restricted. It was left to the Government of the importing country to decide how far imports



of opium should take place, to control them strictly with a view to preventing abuse and preventing smuggling into China. In order to carry out that policy the Government of India adopted a system under which exports of opium took place only when there was an import license to cover them, that import license being given by the Government of the importing country. The exports took place in two forms. An increasing proportion of them took the form of imports by the Government of the importing country who bought direct from the Government of India under an agreement for direct sale. In addition opium chests have been sold monthly in Calcutta for export under license from an importing Government, but to be imported not by the Government to whose country they were going, but by private individuals who received a license from the Government of the importing country. We have recently been trying to extend that system of direct sale so as to cover all our exports, and an agreement is on the point of being signed with the Government of Indo-China, which is the last of our large purchasers through the Calcutta auction system, and when that is concluded we hope to be able to stop the system of auction sales altogether. All our exports will then be in the form of exports under direct sales agreements with importing Governments. Meanwhile, a third stage in the international story is marked by the discussions that have taken place in 1924-25 at Geneva. After

discussions, which were sometimes rather acrimonious, at 1 P.M. Geneva two Conventions were drawn up. The first of these Conventions is one which was signed by the representatives of all those countries which take Indian opium. It provides that the countries which at present import opium for smoking purposes should take steps completely to suppress the consumption of prepared opium in their territories within fifteen years from a date which is to be fixed by a Commission of the League of Nations. This date, which I am afraid is still rather far in the future, is to be fixed by the League of Nations as soon as it comes to the conclusion that the exporting countries have controlled the export of opium from their territories sufficiently to prevent the smuggling of opium from continuing to be a danger to the carrying out of this policy.

The second Opium Convention is, however, the most important in this connection. The first article of the Protocol of that Convention requires the States which are signatories to the Protocol, in view of their duties under Chapter I of the Hague Convention, to establish control over the production, distribution and exportation of raw opium in order to prevent illegal traffic—I shall now quote from the Protocol itself:

“to take such measures as may be required to prevent completely within five years from the present date the smuggling of opium from constituting a serious obstacle to the effective suppression of the use of prepared opium in those territories where such use is temporarily authorised.”

The Government of India have carefully considered their obligations under this new Convention, and they have come to the conclusion that that Convention puts an obligation on India which is not sufficiently fulfilled simply by allowing opium to be exported to the countries in the Far East which desire to import it under license, without the Government of India taking some steps of some kind to assure themselves that the imports under license from the importing Government are being put solely to the uses recognized as rightful. Now that puts the Government of India in a somewhat awkward position in relation to other Governments.

[Sir Basil Blackett.]

It is very difficult for one Government to go behind the signature on an importing license of another Government and to make inquiries as to whether the statement by that Government that the opium is necessarily required for what may be regarded as legitimate purposes is completely justified. The Government of India have themselves undertaken an obligation to prevent the exportation of raw opium from constituting a danger, and they have also undertaken an obligation to give their best assistance in preventing the smuggling of opium from being a danger. The Government came to the conclusion that in order to carry out their obligations in full, they could not confine themselves to a consideration of the strict letter only and must give some weight to the spirit of the Convention where a strict adherence to the letter might not be sufficient. It will be remembered that there has been a good deal of criticism, I think largely uninformed, in regard to the Government of India's attitude in the matter of the export of opium. It does not seem to be realised that the Government of India is the one Government in the world which has made a serious sacrifice of the tax-payers' money in order to achieve the beneficent ends in view in these Conventions. The Government have sacrificed a revenue that amounted in 1911 to 8 crores, and with the rise in prices that has since taken place would have been considerably more at the present day had conditions as they were prior to 1912 continued. Instead of that revenue of 8 crores, the Government of India's revenue is now only just 2 crores and will under this new proposal over a period of years diminish until it vanishes altogether and there will be no revenue whatever from the export of opium. (Mr. Harchandrai Vishindas : "Thanks to Mr. Gokhale".) The effect of the Government's action in regard to the countries importing opium from India will be that these countries will no longer have any reason to fear or to complain that the Government of India is attempting to go behind their import certificates. The Government of India will lay down that the maximum export will be rationed each year on a progressively declining scale and there will be no question of the Government considering whether this country or that is importing opium for purposes for which opium is stated in the import certificate to be imported. The Government will simply automatically by an arbitrary rule limit the exports from year to year until they finally cease. The result of that will be a final loss of opium revenue. The object in view is one with which I am sure everybody in this House and in India is in sympathy, to prevent the abuse of opium. I am not myself prepared to say that looking to the immediate future that object is likely to be very quickly attained. I am afraid that the self-denying action of the Government of India and the tax-payer since 1911 and 1912 has not been to reduce the amount of opium available for use in China, but it has at any rate been to prevent Indian opium from being the cause of the existence in China of a vice which is recognised to be a vice. If opium smoking continues on a scale which has scarcely been affected by the events of the last 15 years in China, it is no longer due to any action of the Government of India. The opium is now produced mainly in China itself and there is no blot on India in the matter; but it does mean a very severe loss of revenue to the Government. I do not think that it is necessary for us at this stage to consider the rights and wrongs of the action taken in 1912 and since. We have entered

into certain conventions and obligations and this is the logical conclusion of the obligation first entered into in 1912 and at the Hague Convention. The result will be to set India free of any responsibility whatsoever for the use of opium for purposes for which it ought not to be used in the Far East.

One question remains still undecided and that is the period over which the progressive reduction of opium exports is to extend. The difficulty in the matter will be obvious to Honourable Members when they remind themselves that in the United Provinces and in the Malwa States the opium crop is a very important one to a large number of cultivators. We have recently made drastic reductions—quite independently of this policy of ultimate prohibition of export of opium—in the area cropped in the United Provinces partly because we have been getting such large crops that there are stocks beyond all reasonable amounts. It will be necessary to make further reductions in the area cropped for opium in the United Provinces in the immediate future and we are anxious that we should do all that we can to ease the period of transition for those who are now growing opium. There are alternative crops of real value but the period of transition is a difficult one. There have been hardships and considerable complaints already as the result of the reduction that was made independently of this policy, and we are anxious, therefore, before coming to a final conclusion as to the period over which this reduction shall extend, to have fully worked out a programme for transition from opium to other crops in the United Provinces and at the same time to have some clear understanding with the Malwa States as to the question of opium production there. The problem is a difficult one. It is complicated, first of all, by the existence of unduly large stocks and, secondly, by the fact that the cultivation of the poppy in the Malwa States is not so directly under the control, to say the least of it, of the Government of India as is the production in the United Provinces. The working out of that programme, therefore, may take a little time. But the general proposition remains that this House should agree with the Government of India in this proposal to wipe finally from the slate all responsibility of the Government of India in the matter of export of opium for undesirable uses in the Far East. Sir, I move.

**Pandit Madan Mohan Malaviya** (Allahabad and Jhansi Divisions: Non-Muhammadian Rural): Sir, I heartily support the proposal that the Assembly should recommend to the Governor General in Council that immediate steps should be taken to progressively reduce the exports of opium from India except for strictly medicinal or scientific purposes so as to extinguish them altogether within a definite period. The decision, Sir, is one which undoubtedly will involve much loss of revenue and loss to the cultivators also, but it is a humane and statesmanlike decision and I cordially congratulate the Government of India and the Honourable the Finance Member on having arrived at it.

**\*Diwan Bahadur M. Ramachandra Rao** (East Godavari and West Godavari *cum* Kistna: Non-Muhammadian Rural): Sir, I have listened with considerable interest to the speech of the Honourable the Finance Member in regard to this very important question. I also endorse every word which my Honourable friend Pandit Madan Mohan Malaviya has said in regard to the humane character of this policy. One of the contentions which I put forward the other day was that if the Government

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\*Speech not corrected by the Honourable Member.

[Diwan Bahadur M. Ramachandra Rao.]

of India accept this policy of progressively reducing the exports of opium from India, with a view to restricting it to medicinal or scientific purposes, it necessarily follows that, if this policy is good for China and other Eastern countries, it is equally good for India. That is the position which I tried to take up the other day, and if I say a few words in regard to this matter it is entirely for the purpose of persuading my Honourable friend that this policy which is adopted in regard to other countries should be extended, on account of its beneficent results, to the people of this country. It is perfectly relevant in a discussion of this subject to point out to the Government of India that they are pursuing a policy for restricting the use of opium to medicinal and scientific purposes, and if this is their policy abroad it is perfectly relevant to point out them . . . .

**Mr. President:** The Honourable Member may point out only in a general way what the policy should be in regard to the internal consumption of opium.

**Diwan Bahadur M. Ramachandra Rao:** I wish to point out in a general way that if they have not a policy also in regard to the internal consumption of opium with a view to finally extinguishing its use in India, except for medicinal and scientific purposes, there would be a variation between their position in regard to other countries and their policy with reference to the state of things in this country. I do not say that the Honourable Member is not at all alive to that aspect of the question. I am grateful that the Government of India have considerably reduced the consumption of opium in the provinces, and all that has been stated in the report of the International Conference at Geneva was that the Ministers have inherited a stricter system of control from the earlier authorities, and the Government of India would have no objection, if they have any other policy with a view finally to extinguish the use of opium except for strictly medicinal and scientific purposes, to the extension of that policy to the people of this country. I wish to assure the Honourable Member that we do realise that the policy during the last ten or fifteen years or so has resulted in a considerable reduction of consumption, but what I contend is that it has been pointed out in the Report of the Assam Congress Inquiry Committee that it is necessary that the Government of India as well as the Local Governments should keep this matter in view so as finally to extinguish the use of opium except for the purposes mentioned in this Resolution. Opium smoking in Assam is vividly described in that Report, and there are parts of India where its uses are certainly very deleterious; and it is necessary that some legislative and administrative steps should be taken for the ultimate extinguishing of this poison, except as stated here, for medicinal and scientific purposes only. That is the point which I wish to urge on the Honourable Member.

Then I have one or two remarks to make. I would like to suggest to the Honourable Member that these international agreements should be brought up for ratification by this House. We, who represent the people of India, should have some voice in the policy which eventuates in these international agreements. Take the Locarno Pact. It is open to the Government of India, without any reference to the representatives of the people, to drag India into a European war. Here again is another international agreement entered into without any reference to the people of this country, which ultimately led to a loss of revenue of nearly 2 crores

of rupees. I am pointing out these facts. If these particular agreements are to be entered into by the executive Government without any reference to the representatives of the people, the representative character of this House is at an end. Therefore, Sir, whenever there are these international policies which have a bearing on the administrative machinery of this country, financial or otherwise, they should be ratified, as they are in other countries, by a vote in this House. That is one remark that I should like to make.

The second point I should like to ask the Honourable Member about is this. Of course he himself has stated that it would ultimately mean a loss of two crores of rupees, and I was rather surprised that he forgot all about the provincial contributions which he so often mentions in connection with proposals that are put forward by this part of the House. How is this two crores to be made up? What are his proposals? In how many years does he expect to extinguish this traffic and what are the exact proposals which he has in mind? I should have been very glad if he had made some remarks on that point because it means that for the purpose of carrying out international obligations entered into by my Honourable friends without the concurrence of this House, which means the concurrence of the people of India, my Honourable friend may bring forward proposals which may involve the taxation of the people of India for the purpose of making up this loss of revenue . . . .

**Diwan Bahadur T. Rangachariar** (Madras City: Non-Muhammadan Urban): You approve of it?

**Diwan Bahadur M. Ramachandra Rao:** I do, but it does not mean that I approve of every measure my Honourable friend may have up his sleeve for the purpose of making up the revenue. That is quite a different proposition. That is what I wish to bring to his notice, that when such a proposal involving a loss of revenue is made, though from the humanitarian aspect I approve of it, it does not mean I should be necessarily forced to approve of every measure he brings forward . . . .

**Diwan Bahadur T. Rangachariar:** Necessarily it means increased taxation.

**Diwan Bahadur M. Ramachandra Rao:** That is the point. If I can approve also of his methods of making up the loss of revenue I will certainly be more comfortable in dealing with the proposition. The loss of revenue may be made up by retrenchment; it may be made up by a reduction of military expenditure; it may be made up by an increase of the salt tax, or by putting up the rates of income-tax. I do not know how this is going to be made up. I am mentioning the difficulties in which he is placing us by asking us to approve of this proposal. While on the one hand I see its international aspect and the humanitarian side of it, my Honourable friend said nothing as to how "in the course of years", as he said, but I do not know how many years, he proposes to make up this revenue, and I sincerely hope that, whatever he may do, he will not increase the burdens of the people for the purpose of carrying out international obligations incumbent not by ourselves or with our concurrence, but by the Executive Government of this country. That is the point to which I would ask my Honourable friend to make a reply. I have been reading the debate on this subject in the Council of State, in which he said that the Local Governments have been asked for their opinions in regard to a more progressive

[Diwan Bahadur M. Ramachandra Rao.]

policy for the reduction of the consumption of opium and that some opinions have been received and they are under consideration. I trust, Sir, that the logical conclusion of the adoption of this arrangement will be that they will have a more progressive policy in regard to internal consumption of opium and that the Government of India and the Local Governments will not hesitate to adopt such a policy, whatever may have been said by the delegates at the Geneva Conference.

**Sir Hari Singh Gour** (Central Provinces Hindi Divisions; Non-Muhamadan): Sir, my Honourable friends have been referring to this Resolution as a humanitarian one. I fear, Sir, it is more a sentimental one. Some few months back I questioned the Honourable the Finance Member on this very topic. I asked him three or four questions. The first question was, is it not a fact that since the reduction of the export of opium from India, the consumption of opium in China has gone up rather than gone down? And is it not a fact that Indian opium has been amply replaced by opium grown in Persia, Turkestan, and China itself? And is it not further a fact that China had committed itself, had in fact given a definite pledge that on the Indian Government curtailing the export of opium, they on their part would not grow opium locally and would reciprocate the humanitarian action of the Government of India by stopping the smoking and eating of opium by the Chinese. Well, Sir, the replies to these questions, which are on the records of this House, have disillusioned me. It has been found that while under the influence of the Anti-Opium League our revenue from the export trade has steadily diminished, the countries to which we exported opium in times past are none the wiser for it, and the consumption of opium in those countries has not in the slightest degree affected their sobriety, so far as opium smoking and eating are concerned. Now, Sir, in view of this fact I fail to understand my Honourable friend's appeal to humanitarian sentiment. I would have begun, Sir, by applying my doctrine to the country itself on the well-known adage that "charity begins at home" and I would have expected the Government of India first to say that if we are to apply the dictates of humanity we should apply them to the people of India, because in applying those dictates to the people of India we would be quite sure that we could prevent the import of opium from neighbouring countries such as Persia, Turkestan and China itself; and in that case the effect of the prevention of the consumption of opium in this country would have naturally led to beneficial results, and the sacrifice of revenue would then, I submit, have been justified. But what the Government are trying now to do is to enforce an international compact leaving India as it is and curtailing the export of opium to China. Now that, I submit, is a questionable proposition and I submit that if the Honourable the Finance Member, before he brought forward this Resolution, had asked us to consider the International Convention in pursuance of which this Resolution finds itself on the agenda paper to-day, we would have had a great deal to say about it. I entirely agree with my Honourable friend Diwan Bahadur Ramachandra Rao that these International Conventions involving the country in large financial losses should not have been accepted by the Government of India without the consent and concurrence of this House, and I, therefore, enter my protest with him against agreeing to these Conventions and giving effect to them behind the back of this House.

My next point is what assurance has the Finance Member, and for the matter of that the Government of India, obtained from the countries to which the export of opium used to be made and is now to be limited. Have they got any assurance from those countries that they will be more sober in consequence of the non-supply of opium from India? Nothing of the kind. And then I wish to ask what is the meaning of these eloquent periods that we hear from both sides of this House that this Resolution is inspired by high and noble humanitarian purposes. You do not make one Chinaman less sober or more sober.

**Pandit Madan Mohan Malaviya:** If some one else must steal, I will not.

**Sir Hari Singh Gour:** You do not, I submit, make these foreign people more sober or less sober by the fact that you supply or do not supply opium. They get it otherwise. And we lose the revenue. My Honourable friend Pandit Madan Mohan Malaviya ejaculates that if other people steal we do not steal. My answer is that we do not steal at all. We were engaged in an international trade. We did not tell the people in China to go and smoke opium. We simply exported opium just as we export quinine, and people can just as well poison themselves with quinine as they can with opium. I, therefore, submit that there is no moral justification for the sacrifice of this large revenue of the country for which the Honourable Finance Member has disclosed as yet no substitute, without assuring himself that the result for which this sacrifice is sought to be made would be assuredly beneficial and that some guarantee is forthcoming from the countries concerned that they will second the efforts of the Government of India in reducing the consumption of opium and in restricting the supply from other countries. On these grounds, Sir, I do not feel at all convinced that the Honourable Finance Member has made out a good *prima facie* case. I am perfectly at one with him and with my Honourable friends on this side that the supply of opium should be curtailed, that opium is a noxious drug, and that it is not right that we should export opium to other countries, provided the countries concerned would benefit by our non-supply of opium; and that is a proviso upon which I wish to lay particular emphasis in view of the facts that I have stated.

The Assembly adjourned for Lunch till Half Past Two of the Clock.

The Assembly re-assembled after Lunch at Half Past Two of the Clock, Mr. President in the Chair.

**Diwan Bahadur T. Rangachariar** (Madras City: Non-Muhammadan Urban): Sir, I did not intend to intervene in this debate, but the speeches of my two Honourable friends who preceded me just before lunch have dragged me to my feet. I see the struggle which both of them underwent, between the idealist and the practical politician. They wanted to get credit for humanitarian feelings for advocating humanitarian feelings. At the same time they say "What are we to do? We are sacrificing two crores of revenue". "What are you going to do," they ask the Finance Member. The Finance Member will have this up his sleeve, when next time he comes forward with his Budget and will say: "My dear friends, with your consent I gave this up. The revenue has gone down; I could not



[Diwan Bahadur T. Rangachariar.]

keep down the expenditure, and you are already pledged to support this reduction, and so you must find some other means to carry on my Government, your Government". Well, Sir, that is the practical difficulty in this case. Sir, we are a nation noted for self-immolation. We suffer in order to improve others. Mahatma Gandhi fasts for 15 days or for a month or for even 45 days in order to bring other people to their senses. So also, Sir, consistently with that religious doctrine, we are here practising self-immolation in the shape of this Resolution in two ways. We are sacrificing revenue but to no apparent advantage, according to my Honourable friends Diwan Bahadur Ramachandra Rao and Sir Hari Singh Gour, because China gets her opium from elsewhere, and therefore we are not going to improve the morality of China; we are not going to destroy nor to diminish the vice in China, but what we are doing is, we are sacrificing revenue, nay more. On account of the policy pursued by the Government for all these long years, the poor cultivators in the United Provinces have been accustomed to raise crops of this kind. Probably they have been training their fields for this purpose. I do not know it myself. We are not accustomed to cultivate opium in our parts, and therefore I say that in ignorance I do not know whether any preparation is needed for training land to cultivate this kind of crop. Probably Members from the United Provinces may be able to throw light on that. Now all of a sudden, it may be said gradually, that they are to undergo new training in order to turn to other kinds of crops. I do not know the nature of the lands there, and whether they are fit for other crops and if so what kind of crops can be grown, and whether other kinds of crops will be equally valuable to them. We have to face all these difficulties. And I do not know whether it is not part of the duty of the Government to their own people in addition to the duty which they owe to the world at large, to compensate these poor cultivators: if they are not compensated, at least they should be helped by financial assistance in order to train the land for new ideas of cultivation, new grains, new crops. I mean it will be a part of the duty of the Government, when they adopt this policy to see that the cultivators are helped financially and also that they are given expert advice by the Agricultural Department as to how best to turn their lands to other crops.

Sir, I have noticed a tendency on the part of the Government of India all these years. They are over-anxious to please the British public, the European public, the American public. They care this much for the opinion of the Indian public. The teeming millions of India may cry themselves hoarse over the question of the salt duty, but they defy their cry, whereas if the *Times* or the *Manchester Guardian* or any other influential organ in England takes up a cause, at once the Government of India's attention is directed to it and they take steps to rectify the abuse of which they are accused.

**Mr. N. M. Joshi** (Nominated Labour Interests): Is Indian public opinion in favour of opium smoking?

**Diwan Bahadur T. Rangachariar**: It is not at all that. My Honourable friend in his over-anxiety to appear as a humanitarian misunderstands my position. I want to look at it from a practical point of view. We owe a duty to our people in the first instance before we discharge a



duty to others, and what is it we are asked to do by this Resolution? This Resolution is silent as regards internal consumption. The Government of India have not laid down in this Resolution what their policy is going to be as regards internal consumption. They are not pledging themselves to-day by this Resolution that opium shall be consumed or be allowed to be consumed only for medicinal purposes. At our very doors drinking is going on, the excise revenue in each province, for instance, in the United Provinces, in Madras, is nearly a third of our revenues. What is to be our excise policy with reference to consumption in our own land? You are very anxious to please the outside world. What about the consumption in our own country to whom you owe a primary duty? This Resolution does not commit the House to any policy in that respect. I have not got the heart to oppose this Resolution—I quite see the justice of it—but at the same time I should warn Government not to be hasty in the action that they take. If I am in order I may add at the end of the Resolution that this policy be pursued and carried into effect completely as soon as the finances of the country permit. Sir, we have excellent precedents for such a limitation. In the case of the cotton excise duty, the highly immoral duty which was recognised to be so all along, the Government of India always said that as soon as the finances of the country permitted it they would repeal that odious duty, and they have done so only yesterday. The Government of India have already entered into covenants with foreign Governments that they will not sell opium to them unless such Governments issue a certificate prescribing the quantity they require. So that that is a good safeguard, and having regard to the fact that China is able to import her opium otherwise or cultivate it otherwise and therefore we are not stopping the vice, I do not see any reason why we should hurry over this programme. I wish to be distinctly understood that by consenting to this Resolution the House is not committing itself to approving any additional taxation. What are the chief sources of our revenue? Customs, income-tax, salt, and this opium was another head which is now going to disappear. Customs we have raised. We have increased the duty on clothes, we have raised the duty on kerosene, we have raised the duty on various other articles which are consumed by the poor people. As soon as the finances of the country permit we are pledged to reduce those rates. And are you going to increase the income-tax, are you going to increase the super-tax? All these difficulties stand in the way. Therefore it is a question on which we are pledged to carry out this undertaking. We do not quarrel with it. My Honourable friends said that this House was not consulted with reference to that undertaking. It is quite true, but it is a humanitarian task with which we cannot quarrel. I do not know whether any European nation is committing self-immolation in the way in which we are carrying out these international obligations. In the matter of labour laws we have been foremost in carrying out the undertakings which our so-called representatives gave in the International Labour Conference. Other countries are still hesitating. This is to the credit of the Government of India, but I must warn the Government that if they suppose that they can come forward with proposals for additional taxation to meet this deficit, they will be faced with stout opposition from this part of the House, whoever may happen to be in it.

**Mr. President:** Does the Honourable Member wish to move an amendment?

**Diwan Bahadur T. Rangachariar:** Yes, I want to add "as soon as the finances permit".

**Mr. President:** The Resolution has been before Honourable Members for some time past, and, unless the Chair is satisfied that the House as a whole is in favour of such an amendment, the Chair is not disposed to permit it at this stage.

**Diwan Bahadur T. Rangachariar:** I will leave it to the House.

**The Honourable Sir Basil Blackett:** I would ask you not to permit this amendment. Notice has not been given and my view frankly is that if we are to be given full credit for what we are doing, it is much better that an addition of this sort should not be made to the Resolution.

**Mr. K. Rama Aiyangar** (Madura and Ramnad *cum* Tinnevely: Non-Muhammadan Rural): Sir, if any one is responsible for this kind of argument on the part of Honourable Members on this side, I should think that the Honourable Sir Basil Blackett is. Whenever a question of reduction of taxation was put forth, he always pointed to the provincial contributions or some other thing which would affect what is dear to this side of the House. Now the same thing is put forward by this side. But this ought not to deter this Assembly from passing the Resolution which has now been put before them. The Resolution is worded very guardedly. I dare say the question will be looked into very carefully by the Finance Department and the other department responsible for the cultivation of opium and restricting its area. If it is worked out properly it should be so graded that the finances should not at all be affected by this question of loss of revenue which could be made up by other increases in the course of some years. Of course the Honourable Sir Basil Blackett was not able to give us the exact period within which this could be effected. I dare say it would not be over 20 years. If I am right, and I believe that was said in another place—if it is properly worked out it will be quite possible to allow growing revenues practically to replace the loss without much effect being felt by the Assembly. That is one point I wish to place before the Assembly. Secondly, whenever you begin to decide upon a question of this kind conferring lasting benefit you ought not to be deterred by the idea that this false revenue, as I would call it, is going to be lost. Are you going to falter with respect to the loss of excise revenue about which we are so particular. All that we can recommend is, as it has been recommended by some Provincial Governments, that this may be done in course of years, so that the other revenue which might grow in its own way may make up this loss. We must be prepared to wipe that out as early as possible. That being so, this question ought not to be affected by any consideration of loss of revenue. Again this has been a subject that has commanded the attention of this House for a very long time, from the days of the late Mr. Gokhale and if it is given effect to, we have certainly to feel thankful to God for giving this Assembly and the Finance Member an opportunity to put it in the form of a Resolution which would receive the acceptance of the public. The only thing I will add is, taking all these into consideration, I once again urge upon the Finance Member to see that he does not pit one item against another. The whole question of adjustment of taxation requires consideration in all its various aspects. Every matter should be given its due place. Of course we have reduced provincial contributions during these two years by about four crores, which means that we are progressively

reducing them, and that should be the only aim; they should be reduced at the earliest opportunity. But that should not come into conflict with another duty that we owe. As I have said, if we have 40 crores of extra taxation on the country, some attempt should be made to reduce it by degrees. While you are bound to reduce provincial contributions, try at the same time to reduce taxation also. Of course the measure to be adopted in each case is a matter upon which I should say the Finance Member should take full responsibility and show by his arguments that he has exercised his judgment for the best. This side of the House has clearly stated that it did not agree with the Finance Member in respect of the proposals that he made by which he refused to reduce taxation, but they thankfully and gladly accepted the further reduction in the provincial contributions provided for next year and also the abolition of the cotton excise duty. This House felt that it was possible to give further help to the poor tax-payer of the country, and that has not been done. It is in fixing how the final results should be arrived at that the Finance Member must show a sympathetic grasp of the whole question and make a distribution in the best interests of the country. While I am for abolishing the provincial contributions gradually, I also ask that such help as possible be given to every side. Let me at least take this occasion of reminding the Honourable Sir Basil Blackett that in abolishing the opium revenue he is going to lose revenue to this extent, and I congratulate him for my own part on this bold step he is taking when according to him India wants all the money now collected by this extra taxation. But I want him also to be similarly bold in reducing taxation in such proportion as it ought to be done in present circumstances.

**The Honourable Sir Basil Blackett:** Sir, I do not think that it would be wise of me to follow the last speaker into a reopening of the question of what priority you should give to reduction of taxation over reduction of provincial contributions. But let me deal at once with the effect of this prospective loss of revenue on our financial position. Now, it is perfectly true that at some future date, when you are no longer getting 2 crores a year of income from exports of opium, you will have to see that the rest of your taxation must be higher to bring in a sum to the extent of 2 crores more than if you had not given up your opium revenue; or alternatively your expenditure must be 2 crores less than it would otherwise have been, and that means that you must forego presumably desirable expenditure to the extent of 2 crores. That is looking at the thing purely as a theoretical proposition in the future. You cannot do without 2 crores without being without that 2 crores. But so far as the immediate future is concerned the problem is complicated by other considerations. In the first place, as I have already pointed out to the House, we have unduly large stocks of opium at the present time. And simply in view of that fact, without reference to this policy, we have considerably reduced the total area under cultivation, and some further reduction will be necessary in order to pave the way for the ultimate extinction of exports. But during that time we shall tend to be using up stocks, so that though our gross revenue from opium will be less by the amount by which we have reduced our exports, our net revenue will tend probably during the earlier years of the period to be rather higher than it would otherwise have been owing to the size of the stocks, so that there is not in the immediate future any large amount of revenue to be lost. We shall be getting less revenue, but we shall be spending less on producing opium because of the size of

[Sir Basil Blackett.]

our stocks. That will tend to be the position. Of course it will have to be modified with reference to the desirability of making the reduction of area fall as lightly on the cultivator as is possible. But I do think we can look forward to a position in which such loss of revenue as we may incur will not seriously affect our budget position in the next two or three years. That being so, the only answer I can give in regard to provincial contributions is that at any rate I live in hopes that before we begin to suffer seriously from the loss of revenue from opium, we shall have arrived at a solution of the provincial contribution problem. That is optimistic perhaps, and it depends on providence quite as much as on the Finance Member. But I have at any rate hopes that the provincial contribution problem will be reasonably settled before the necessity of finding alternative income or alternative reductions of expenditure to take the place of this opium revenue becomes a serious problem for the House. Next, Mr. Ramachandra Rao raised the question of the internal use of opium. I think he and others who spoke on this point have slightly misunderstood the exact meaning of the Resolution before us. The Government propose that they should cease to export opium altogether within a limited number of years except for medicinal purposes. But that does not mean that they express the opinion that opium ought to be used only for medicinal purposes. Their international obligations require them to take all steps in their power to prevent Indian opium from being smuggled; and in order to prevent the smuggling of Indian opium after it has left India, the proposal is to arrive at a position where it does not leave India at all except in what will be comparatively small quantities for medicinal purposes. That is quite another proposition from the statement to which I myself am not willing to subscribe that opium cannot be properly used for any but medicinal purposes.

The same speaker spoke of this policy having been adopted without the Convention having been brought before the House for ratification. Now the question of bringing international conventions before this Legislature for ratification obviously raises a larger issue than the House would desire me to pursue at the present moment, but I claim that in this case the Government of India knew, during the time that they were considering the Convention, long before this had reached the stage of being a convention, that the view of at any rate a majority in this House as expressed in numerous speeches on numerous occasions was in favour of the general lines of the policy that the Government of India were pursuing, if indeed it did not think that the Government of India's policy fell short of what the more progressive prohibitionists in this House would have desired. Therefore we cannot, I think, be open to the accusation of having pushed the House into an international obligation contrary to the views of the spokesmen of the country in this House.

The Resolution now before this House is not that we should ratify that Convention, but that in order to fulfil both in spirit and in letter the obligations undertaken in the Convention we should go somewhat further than the letter of the Convention and restrict our exports gradually until they are completely got rid of. Sir Hari Singh Gour, and, I think to some extent, my friend Diwan Bahadur Rangachariar feared that we were immolating ourselves on the altar of infructuous results, if I may mix my metaphors. I did not claim when I first spoke that the effect of this action on the part of the Government of India would be to bring about

the millenium or even to bring about any immediate reduction in the total quantity of opium used and abused in the world. It is to some extent a case of casting our bread or opium upon the waters; whether we shall find it after many days is a matter for speculation. But, as Pandit Madan Mohan Malaviya pointed out, we are taking this action on the strict line that international obligations and the position of India in the world make it desirable that we should go ahead without fear of consequences; and there is very little more to be said on that. We have entered into obligations and we are pursuing a logical course.

As regards the position of the cultivator, to which my friend Diwan Bahadur Rangachariar drew attention, that is naturally a matter which the Government of India and the Provincial Government concerned have particularly in mind, and it is, as I said before, because of our anxiety to do full justice to the cultivator that we have not felt it possible as yet to fix a definite period within which opium exports are to be finally abolished. The difficulty is to some extent a financial one. There are, as far as I understand, alternative crops, such as wheat and sugar, which are entirely productive and which can be easily changed over to by the cultivators. But the cultivator has been in the habit of receiving financial assistance for the production of opium which he would not normally get for the production of other crops. The custom of the business of the growing of opium has been to make advances for cultivation and this is not the normal custom, I gather, in the alternative crops. It is a matter which the Government of India and the Government of the United Provinces will have to take into very careful consideration.

On the whole, I think that the House, though it is not anxious to lose this revenue, is anxious to carry this Resolution. The House will thereby be putting a final seal on the action taken as long ago as 1908, when we first entered into discussion with China in regard to the restriction of exports and since then enshrined in various international agreements and Conventions showing that the Government of India and the people of India have no desire, even though it costs them considerable sums out of their own pocket, to be a party to the abuse of opium outside India. I trust the House will carry this Resolution unanimously.

**Mr. President:** The question is:

"That this Assembly recommends to the Governor General in Council that immediate steps should be taken to give effect to the policy of progressively reducing the exports of opium from India except for strictly medicinal or scientific purposes so as to extinguish them altogether within a definite period."

The motion was adopted.

#### RESOLUTION *RE* EXTENSION OF THE REFORMS TO THE NORTH WEST FRONTIER PROVINCE.

**Mr. President:** The House will now resume further discussion of the following Resolution moved by Maulvi Sayad Murtuza Sahib Bahadur on the 16th February, 1926:

"This Assembly recommends to the Governor General in Council that he be pleased to extend to the North-West Frontier Province the provisions of the Government of India Act which relate to Legislative Councils and the appointment of Ministers, etc., with protection to the minorities."

**Raja Ghazanfar Ali Khan** (North Punjab: Muhammadan): (There was applause when the Honourable Member rose to speak.) Sir, fortunately or unfortunately, I have not been gifted with that power of eloquence, which is

[Raja Ghazanfar Ali Khan.]

so very essential in these days of uproar and noise in every sphere of life. In spite of many temptations to the contrary, I have been able to maintain my vow of silence so far and the reason for my getting up to-day and making a speech on this motion is, that my feelings have been stirred to such an extent, that I do not think I should keep quiet. Sir, whenever a committee is appointed, there is a general feeling that the official members of that committee are bound to take a definite line of action in the matter even if the evidence before the committee may prove things to the contrary. This belief was further strengthened when we read a few months back, the statement of Sir Muhammad Shafi in connection with the signing of the majority report of the Muddiman Committee, after he had handed over the charge of the Law Membership. But, Sir, I am very glad to find that my Honourable friend Sir Denys Bray is still sitting on the Treasury Benches, as happy and cheerful as ever, in spite of his signing the majority report, a report which was not quite welcomed by the Government. One more passing remark, Sir. Only the other day my most venerable Leader, Mr. Jinnah, while asking for a Royal Commission, was laying great stress on the personnel of the Commission. At that time I began to feel that the personnel of the Commission really matters more than even the terms of reference. What I understand from a satisfactory personnel, is that the majority of the members of the Commission should be such, that they may be able to take a fair and just view of the problems which may come up before them. So, when a committee is appointed, and all the members are unanimous in giving their verdict on a particular matter, there is nothing further to be said about it, though in these days it is very difficult to expect a unanimous verdict from any commission or committee. But when a committee is divided into two parts and there is the majority report and the minority report, the Government must act either according to the suggestions of the majority or the minority, to me it appears that there is no justification for running away altogether. Now, Sir, I wish to ask a plain question—which of the two reports seems infeasible to the Government? Is it impossible for them to act on the suggestions of the minority or on the suggestions of the majority? I do not think either of these two recommends “inaction,” of which Government have been guilty so far. The issue before us is very clear. There are only two courses open to you. Either amalgamate the Frontier Province with the Punjab, or treat it as a separate province and give it Reforms. I do not think there is anybody in this House who does not agree that these people on the Frontier deserve to be treated just as any other people in India. Some think that they should be amalgamated with the Punjab, and all the rights and privileges which the men in the other provinces enjoy should be extended to the frontier people also. Others think that they should be treated as a separate province and that they should have their own Reforms. In the way of amalgamation I think there are some administrative difficulties, which are so clearly dealt with in the majority report, that it is hardly necessary for me to repeat them here.

Sir, on the 16th of this month when I heard that most beautifully worded and feelingly delivered mysterious speech of Sir Denys Bray, it reminded me of a well-known Urdu verse of that great poet, Ghalib :

“Gar khámoshi se fāida ikhfāe hāl hai

Main khush hūn meri bāt samajhna mohāl hai.”

which translated means:

"If the object of remaining silent is that the sentiments and feelings of the heart should not be revealed, I am glad that nobody can understand what I talk."

Sir, he said it was a "pleasant surprise" to him that the debate was not carried on on the lines that he had expected. (*An Honourable Member*: "What did he expect?") I think that surprise must have vanished by the evening of that debate.

Then, Sir, he refers in his speech to some happenings which have taken place during the last three years in "that great country". I do not know what he meant by that, and I have been making searching inquiries from people who are expected to be in the know, but they have not been able to tell me what he means when he says that many things have happened in that country, which stopped the Government from giving effect to the recommendations of the majority report. But, Sir, I have no quarrel with Sir Denys Bray, because he says that his opinion is still the same and that "the outlines would remain the same", even if somebody asked his opinion on this subject to-day.

Coming to the merits of the question, what is the standard by which the people of any province are to be judged as to whether they are fit to be entrusted with the responsibility which these Reforms involve. The first and foremost in my mind appears to be the presence of a genuine and widespread desire of the people to take an active part in managing their own affairs. I do not think there is any Member in this House, who would not agree, that this desire on the Frontier Province is very deep-rooted, very genuine and very widespread. This is clear from the majority as well as the minority report. This is also clear from the various huge meetings held in the Frontier Province and outside during the last month and a half. It is also clear from the innumerable telegrams and letters which all the Members must have received during the last few days. It is also clear from the presence of a large number of people from the Frontier Province, who have travelled all that long distance, to see how we treat their legitimate ambitions and aspirations which we call our birthright.

The second proof of their being fit for the Reforms is their qualities of head and heart—the qualities of head and heart of the Pathans, for which my Honourable friend from Madras has got such great admiration and which, unfortunately, my learned friend the Panditji repudiates and denies. The difference between the opinions of these two great persons is probably due to the fact that while the Diwan Bahadur has firsthand knowledge of the frontier, the knowledge of the Honourable the Panditji is more or less derived from his "friends from the Frontier". Then, Sir, let us take the educational conditions of the Frontier Province. In spite of the fact that the province is not so rich as to spend as much money as is required on furthering education in that province, in spite of the fact that they started very late in this line, and in spite of the fact that they are naturally placed in a position where practice with the rifle is probably more useful and necessary for them than reading mathematics, still you will be surprised to know, that according to the census of 1921, there were 48 persons educated in each mile, while in the United Provinces the number is only 34. So how can you say that the people of the frontier are not educationally fit for getting the Reforms?

[Raja Ghazanfar Ali Khan.]

Sir, there is one more point to which I would like to refer here. Sir Denys Bray said:

"Government have been awaiting this debate with great interest and great attention, and it is with great interest and great attention that Government will follow it and its action and reactions in the press on the frontier and in India at large."

Sir, again, these words are absolutely mysterious to me. What I understand from them is this—I will put it very plainly—the Government, for some reasons, which are best known to them, do not want to give Reforms to the people of the frontier at this time. At the same time they are thoroughly convinced that there is a very deep feeling present in the minds of all those people to get their rights. They have also got this experience, that once that desire is created deep in the minds of the Pathans, it is difficult to stop them until they have realised that desire. So now they know what the consequences of running away entirely from the question are, and that in view of the fact, that their own officers recommend that Reforms should be given to them, they will not be able to escape the serious consequences of this unreasonable attitude. And, you know that at present, unfortunately, the relations between the Hindus and Muhammadans in the country are very much strained, so this is only throwing out a suggestion both to the Press and the people in the Frontier Province and outside, that you are willing to give them Reforms if it is agreed to by all sections but if it is opposed, and if there is an agitation carried on in the Press as well as among the public, against giving the Reforms, in that case you will have to wait. In other words, what does it mean? It means that you create an impression in the minds of the Pathans that it is the Hindus who are standing in the way of their progress; it is not the Government; it is the Hindus. If the Hindus would not agitate, "if they would not carry on propaganda against it in the Press, you are quite prepared to give them what they want." Is that what you would say? So in a province, where the feelings are already strained between Hindus and Muhammadans, and where you find that the population of Hindus is very small, and the people are very furious by nature, you tell them that this is the class to be blamed, that these 5 per cent. of persons are standing in the way of their political progress. What do you expect from them? Do you seriously expect that this will help to restore good relations between Hindus and Muhammadans? Or do you think that this will further strain relations which are already very bad? Sir Denys Bray again said:

"When I was empowered by Government to announce those decisions in another place was there any communal heat engendered, was there any great agitation seen rising then? Not a bit of it."

Then, Sir, what was there to stop you from giving effect to the recommendations of the majority report, if your only plea is that you were afraid of rousing communal bitterness? There was no communal bitterness then. Sir, I am always reluctant to believe, that the Government are led away by some sinister motive or thought whenever the question of yielding political power is concerned. I am always very reluctant to believe it, but here in this connection I would most earnestly appeal to you to make it clear, absolutely clear, to the people of the Frontier as well as to the public outside, that it is not the Hindus who are standing in the way of the political progress of the people of the Frontier but that you have your own difficulties, which, however, strong they may be, you do not want to reveal to us.



**Mr. K. Ahmed** (Rajshahi Division: Muhammadan Rural): What are those difficulties? Say something about them because Sir Denys Bray is not disposed to disclose them.

**Raja Ghazanfar Ali Khan:** Sir, I do not want to detain the House long. I would submit that I have got very great regard and respect for the Honourable Pandit Madan Mohan Malaviya. I honestly believe, that the services which he has rendered to the nation, to the country, are in no way less than the services he has rendered to his community (*An Honourable Member*: "Question."), and particularly, Sir, when I listened to his words:

"I have seldom if ever advocated the cause of Hindus as distinct from the cause of Muhammadans either in the National Congress or the local Legislative Council, of which I was a member for many years, or the Legislative Assembly. I do not remember any time when I have entertained any thought of hurting my Muhammadan fellow-countrymen. I should be ashamed of myself. I should be ashamed to think of my God or to appear before Him if I cherished the smallest thought of injuring any of my Muhammadan or Christian brethren."

**Mr. K. Ahmed:** Read on!

**Mr. President:** Order, order.

**Raja Ghazanfar Ali Khan:** Sir, I still prefer to believe in those words rather than in the rest of his speech, although I honestly find it very difficult to reconcile this statement with the other parts of his speech. Sir, I would have had no objection absolutely if the Honourable Panditji had merely restricted his speech to opposing the motion as well as the amendments. But, Sir, that speech, relating, in the most exaggerated form, to all those past incidents which took place some 16 or 20 years ago, and which might take place at any time in any country, and repeating them with this exaggeration and with the full consciousness that the Panditji's words mean a great deal, and with the full consciousness that at present the feeling between Hindus and Muhammadans is very strained, was not in good taste. I do not for a moment suggest that Panditji, when he uttered those words or made that speech, was fully alive to the consequences or the interpretations of his speech and his action. I, personally, think, Sir, that he was probably carried away by the sentimental appeal which naturally the Hindus from the Frontier might have made to him. I would most respectfully request him to answer one or two questions with your permission, Sir. The first is this: is it proper to relate all these most hideous incidents of the Frontier on the floor of this House and when the authority is questioned merely to say "friends from the frontier"? The chief incident he mentioned was the loot in Peshawar, where he said that about 16,000 Hindus, men, women and children were actually driven away from the city. May I ask the Honourable Panditji to tell us what was the cause of that? Does he know anything about it? I would really feel obliged, and I think the House would also feel obliged, if the Honourable the Pandit is able to tell us if he knows what the cause of it was. I do not want, Sir, to go into the details of it. I just want . . . .

**Pandit Madan Mohan Malaviya** (Allahabad and Jhansi Divisions: Non-Muhammadan Urban): Is it a fact that there was a loot? Is the loot denied?

**Raja Ghazanfar Ali Khan:** You do not care to know the causes. I respectfully differ from the Honourable Pandit. But my object is not to relate or go into details. I just mention these facts so that Honourable Members may not be misled and carried away by all that is said here, but that they should try to know what are the facts; and I dare say that if the statement of the causes of these sad happenings went in favour of that party, they would have had no hesitation in mentioning the same here.

Another question which I want to ask the Honourable Panditji is . . . .

**Pandit Madan Mohan Malaviya:** If my Honourable friend knows what the facts were, he might help us to know them; I shall be very grateful if he will do so. If he thinks that the facts were different and that their concealment has been an injury to the discussion, I should like to know them.

**Raja Ghazanfar Ali Khan:** Yes, Sir.

**Mr. President:** Order, order. The Chair desires that no heat should be introduced in this debate.

**Raja Ghazanfar Ali Khan:** Sir, I do not want to bring any heat into the discussion at all. I do not want to prove that the Hindus were at fault. Neither do I stand here to justify the actions of the Muhammadans. I only wanted to make it clear to the House that these things should not be related in this House unless the full facts are stated: otherwise they should not be related at all.

Another question I would respectfully place before the Honourable Panditji is this: does he want us and the Government to be committed to this principle, that wherever one community is in such a minority, Reforms should not be given to that province, or do you want us to be committed to the principle, that wherever the relations between the Hindus and Muhammadans are strained, further reforms should not be given to that part of the country? I have gone through his speech very carefully, and I do not find any other argument therein. There are only two things, firstly, that wherever one community is in a minority the Reforms should not be extended, and, secondly, that wherever the relations between the Hindus and Muhammadans are strained no further Reforms should be given to that province. I do not believe for a minute that the Honourable Pandit will commit himself to either of these two principles . . . .

**Pandit Madan Mohan Malaviya:** No; I distinctly referred to the special conditions prevailing in that province.

**Raja Ghazanfar Ali Khan:** Very well; special conditions prevailing in that province. And what are those special conditions? That the relations between the Hindus and Muhammadans are strained. Then, Sir, the Honourable Pandit is opposed to the amendments also. He says that he does not favour amalgamation; he says he does not favour Reforms for the North West Frontier Province. He wants that we should sit somewhere, at some place—I do not know where and with what object—and decide what should be done to the Frontier Province. Sir, if he is anxious only to protect the rights of minorities, I tell you that there is not a single Muhammadan in this House who would for a minute grudge that right. Supposing there are 5 per cent. or 7 per cent of Hindus there, if in the judgment of my Honourable friend, Pandit Malaviya, they should be given 15 per cent. or

even more than 15 per cent., we are quite willing to yield. If he wants separate electorates, we have got no objection to that. Sir, in whatever way you want to safeguard the rights of minorities, we do not oppose it.

Another point is this: that all these sad incidents have taken place under the present form of Government, when there were no Councils, when there were no Reforms. So the present system of administration would not stop sad occurrences of this kind. Does he mean to suggest that if the present form of administration is changed, there will not be any improvement? We have not tried it. It is quite possible that when the attention of the Pathans is directed to the development of their own interests, educational and otherwise, they may tone down a little, and the bitter feeling may not remain the same.

Sir, another charge that is brought against those honest set of persons is that their sympathies are pro-Afghan. I think, Sir, the Government are in the best position to judge that, and to pronounce their judgment whether their sympathies are pro-Afghan or not. I would be quite satisfied if the Honourable Sir Denys Bray would stand up and say "Yes, they are pro-Afghan and they have not got any sympathy for your country; they have not sacrificed their lives to defend your frontier".

**Mr. K. Ahmed:** How can he say that?

**Raja Ghazanfar Ali Khan:** But so far as I can understand them, they are as good, if not better, Indians, as we are.

Sir, it seems preposterous, if not impertinent, that a Diwan Bahadur from Madras, or a Doctor from Bombay should get up in this House and say that the Frontier Province should be amalgamated with the Punjab. Nobody in the Frontier wants to be amalgamated with the Punjab. We do not want to have them. It would mean cutting at the very root of the principle of provincial autonomy, if you were to force the people of two provinces, who are so very different in language, in customs, habits and temperaments, to live together against their wishes.

**Mr. K. Ahmed:** If the heart is stronger than the head?

**Raja Ghazanfar Ali Khan:** Sir, if there is any province which is fit for self-government, it is the Frontier Province. They have got a common language and common habits and above all they are able to defend themselves. Why do you insist that they should be tied down to the Punjab? I think, Sir, it will do more harm than good both to the Punjab and Frontier. Sir, to me it seems that because the frontier people are unable, in spite of their honest efforts, to win the sympathies of the Government, therefore they are being deprived of their rights, under different excuses.

Now, Sir, one word more, and I shall finish, and that is, my appeal to the Honourable the Home Member in whom I have got full faith and who is very generous and very noble-hearted. (Applause.) As far as possible, he is anxious to do something for the betterment of the people unless the bureaucratic will prevails sometimes. Therefore, Sir, I would request him to make the frontier people strong. If you make them strong, you make the country strong. That will be the greatest service you can do to India and the British Empire. I would also suggest to the Honourable the Home Member that it is only then, that is to say, when the people in the Frontier are strong, that the recommendation of the Inchcape Committee to reduce

[Raja Ghazanfar Ali Khan.]

military expenditure to a minimum figure, which His Excellency the Commander-in-Chief thinks is merely a pious hope, will turn into an established fact.

Sir, I have got nothing more to add, except that there is one other feature of this debate which should carry due weight with the Government. They said that they would listen with deep interest to the debate in this House. Sir, here are my Honourable European friends, and what are they going to do in this matter? The other day, I was sincerely pleased to hear the speech of that "Caution Signal" of the European party, the gallant Colonel, who said that he would walk with us into the same lobby. This alone should be quite enough, to convince you that our cause is just and strong. Sir, with these words, I support the Resolution.

**Khan Bahadur Ghulam Bari** (West Central Punjab: Muhammadan): Sir, after endorsing the remarks of the Honourable Raja Ghazanfar Ali, I beg permission to observe that under the circumstances of political development through which India is now passing, it is simply natural for the North West Frontier Province to come forward and ask for reforms in their own province. As a part of British India, they have got every right to make that demand. India is passing through the preliminary stages of reforms and is further pressing for full responsible government. The Resolution is not the voices of a Madras Member. It simply fell to his lot to move the Resolution which is really of frontier origin. A refusal to extend reforms to that province may mean something serious in many ways, and the acceptance of the Resolution, as requested by the frontier people, is sure to lead to many good results. Government should very carefully consider their position before they go against it.

It was expected that advocates of liberty and freedom in this House would support the cause, and would like for the frontier people what they like for themselves. But it appears that politics has got little to do with such a moral principle. Although some of the strong advocates of Indian liberty have walked out, we have had the opportunity to read them in connection with this question. A general non-Muslim opposition to the Resolution is the saddest phase of to-day's Indian politics. A faint voice of an old patriot from Bengal cannot satisfy the frontier people who wanted general support from those who advocated the cause of Indian liberty. This attitude has given rise to a new question as to what Indian patriotism really means. I would leave the question to be determined by impartial observers.

The opposition in so far as our country brethren are concerned is based upon unreal, fictitious and imaginary circumstances. Some people seem to have been working at the dictation of interested persons from Frontier whose interest it is to oppose, in order to perpetuate the monopolies of certain advantages which they obtained when this province was a portion of the Punjab, and which are not likely to continue in the present form, if reforms are allowed to the province. This sufficiently explains the position of the frontier people in refusing to be put under the Lahore High Court in judicial matters or to be amalgamated with the Punjab again. A prominent frontier man of position, a member of the Council of State, has been referred to as being against the introduction of reforms. It would be worth while to mention in this connection that there is a general protest against the expression of such an opinion. Mass meetings have resolved in favour of reforms in all important places of the Province. Resolutions

after resolutions to that effect have been received by the Members of the Legislative Assembly. The most interesting of those resolutions is from Dera Ismail Khan which resolves to recall that gentleman from the Council of State. I am glad to hear that the gentleman has apologised to his people for what he did.

**Nawab Sir Sahibzada Abdul Qaiyum** (North-West Frontier Province: Nominated Non-Official): That is in the Press.

**Khan Bahadur Ghulam Bari:** The opposition is further based on the basis of raids, which, as everybody knows, are made by trans-border people who do not belong to the province. One of the Honourable opposers had the courage to add, not from his own personal knowledge but at the dictation of his wire-pullers, that local people also took part in the raids. The addition of these facts was simply meant to prejudice the House against the frontier people. Did it, ever before, strike the Honourable opposer to move the Government not to give reforms to any other province of India where dacoities were often committed and where the number of dacoities exceeded the number of raids even; or should we suppose that the argument was reserved to be used against the frontier people only? In India dacoities are committed by Indians for whose emancipation the Indian patriots are fighting, but frontier people are to be deprived because their neighbours commit raids.

Communal troubles also cannot lead us to oppose the Resolution. It would be unfair to urge the withdrawal of reforms, or to stop further advance in Bihar because of the Arrah and Katarpur affairs where Muslims were so seriously dealt with. No sane man would oppose reforms in the Punjab, Delhi and the United Provinces because there have been communal troubles. The smallness of the province can be no reason to go against the Resolution when we see that there are some regular Kingdoms in the world not larger in size or population. The North-West Frontier Province is much bigger than the Delhi Province which is enjoying these reforms and also claims a further advance. Indian patriots are fighting to get reforms even for their untouchables, but when the question of the North West Frontier Province comes up, the whole scene changes. We stand committed when we have made it a province which considering its importance is second to none.

It is worthy of note that three qualifications mainly make a nation in the true sense of the term, *i.e.*, mental development, physical power and a martial spirit. If Indian patriots possess the first qualification to some extent, they entirely lack in the other two, which are possessed by the frontier people whom some persons look down upon. Sanghathan is not likely to produce or bring about the required physical power for a long long time as it is wrongly directed, and, as such may sometimes prove harmful to the country at large. Physique in so much as it is the result of parentage and other local conditions can never be obtained by artificial means. Vicissitudes of time give the upper hand sometimes to the first qualification and sometimes to the other two. India cannot complete her military resources without frontier people who have fought for the Empire in all fields in India and out of India. Frontier people not only possess physical superiority and a martial spirit, which are necessary for the safety of a nation; they possess other things too generally, as are to be seen in other parts of India in special cases only. They possess strong healthy

[Khan Bahadur Ghulam Bari.]

bodies with strong heads, showing good common sense and feelings of self-respect, not next to any other people in the rest of India. The refusal of reforms to such people would be a great injustice to humanity at large.

Would the Indian patriots like to strengthen the apprehensions of the Mussalman community at large which they entertain from the majority community? Even the Honourable the Mover, though a Swarajist, entertained some apprehensions of the sort; so he called his Resolution a touch-stone. In view of the above facts, I will be justified in laying down that such a conduct of Indian patriots with regard to the frontier question is sure to retard constitutional reform in India and delay indefinitely the satisfactory response to receive which the country is so anxious and uneasy. Opposition on the ground that some people cannot, on principle, recommend the extension of diarchy which they already condemn, cannot stand, as India is already trudging along the same path and no other high road is possible under the circumstances. The public mind at once rushes to the conclusion of communal bias as the cause of the opposition which in reality is led by those who are now monopolising certain advantages in the province, which may not come to them, in the present form, if reforms are extended to that area. Nobody can control the public mind. So, to my mind, the results of this opposition would be bad.

After a few words to the Government Benches I shall have done with my observations.

The Government are not doing justice to the North-West Frontier Province. As compared with the rest of the country the Government have done nothing for them. Are the educational institutions of this province comparable with those of other provinces in sufficiency and efficiency? Are they given those advantages and facilities which are within the reach of other Indian people? A Government College under the name of the Islamia College means nothing without sufficient primary and secondary education in the country. They are splendid people; throw the responsibility upon them and they will prove themselves quite up to the mark. This would be the surest way to check raids. A people harshly treated by severe laws can have little sense of responsibility to take up the dangerous task against ferocious raiders. Make them conscious of their responsibilities by extending the reforms to them. That would improve the situation considerably. They have pluck and courage to handle the difficult problem of raids, and they have got sufficient men to fill up responsible posts for every purpose. Such an improvement is sure to help the tribal areas also in coming within the pale of peaceful citizenship. What is keeping them out, is the present administration. As compared with the present conditions, even these partial reforms would be welcomed by these people who are ready to work them successfully. (Applause.) You have given these reforms, these preliminary reforms, to people who dislike and condemn them, and you refuse them to those who like and are ready to work them. (Applause.) The Government would not be a loser by accepting the Resolution, but would rather gain materially from many points of view. From the financial consideration also the reforms would not present much difficulty. Separate the trans-border political expenses from those of the five settled districts, develop the resources of the province, fix rates of pay accordingly. Unexplored mines

on this side of the Durand Line can be worked with advantage, to make up that deficiency, if any, and also to meet the political expenses. The opening of such industries there would mean the employment of thousands and thousands of tribesmen who would be able to earn honestly what they now take away by raids. It would be the duty of the province to make itself self-supporting so far as possible, just as other provinces are, but with a preferential claim to the Central Government contributions, in case the Central Government can afford to spare money for the purpose.

Government owe a heavy debt of gratitude to those people and it would be very ungrateful on the part of Government to hold these people so down trodden. It was the Punjab and the North West Frontier Province which carried the mutiny day in your favour. Had it not been for this help, you might have been only watching our affairs from the sea coast. Leaving aside minor military operations, I may remind you, it was the Punjab and the North West Frontier Province which served you the most in the Great War; and they not only helped you in the Great War but did you the great service of keeping all calm and quiet on the frontier, so that your attention might not be diverted from important centres. Is this the reward which you give them for their services?

In view of these facts, it is really wonderful to see Government getting inconsistent with themselves, in case they propose to oppose this Resolution. I think, I am justified in observing, that the view of the President of the Frontier Inquiry Committee represented really the Government view, and in fact it would be going below their dignity for the Government Members to oppose it. With these remarks I support the Resolution. I oppose the amendments in so far as they are either meant to oppose it, or to modify it in a way that is not desirable.

**Mr. Abdul Haye** (East Punjab: Muhammadan): Sir, I am here to raise my feeble voice in support of the Resolution which has been so ably moved by my Honourable friend, Maulvi Sayad Murtuza Sahib Bahadur. As I rise to do so, I confess that I have a happy heart. My mind is obsessed with a deep sense of responsibility, and I feel that on a question like this I must speak with restraint. Sir, it is not my desire to generate communal heat into this discussion. When this Resolution was moved the other day and when my Honourable friend, Sir Denys Bray, rose to speak, he congratulated the House, and he claimed the credit for the Government, that there was absence of communal heat in this discussion. Sir, as has been pointed out by my Honourable friend, Raja Ghazanfar Ali Khan, this could not be said of what happened later on in the evening. I want to make it clear that it is not my desire that I should follow in the footsteps of my Honourable friend, Pandit Madan Mohan Malaviya. If you talk with bitterness, it will do you no good. You cannot advance the cause of India by talking bitterly. I fancy, Sir, that the Honourable the Home Member felt himself stronger to resist the claims of the Indian people after he had heard the speech of the Honourable Pandit. I fancy, Sir, that his speech is already in the hands of the Right Honourable the Secretary of State for India, that copies of the speech have already been supplied to those Honourable Members of Parliament who in season and out of season have been advocating the cause of India in the Parliament of the British nation. (Laughter.) Sir, I find at this stage that the Swarajist Benches are staring at me. I inquire of those Benches, "Where are your occupants?" They have walked out. Where have they

[Mr. Abdul Haye.]

gone? I ask in despair, with the fate of the North West Frontier Province hanging in the balance, where have Pandit Motilal Nehru and his followers gone? Have they gone to the country? Have they gone to prepare the people of India for Swaraj? Have they gone to the country so that it may be united? If this is so, I hope they will begin their tour from the North West Frontier. Well, Sir, it is some satisfaction to me this evening to find that a certain statement has appeared in the Press on behalf of the Leader of the Swaraj Party in which he has tried to make his position clear. I will not read it word by word, but I would submit to this Honourable House that the Swaraj Party, evidently at the bidding of Mahatma Gandhi, have made their position clear. (Hear, hear.) They have said in unequivocal and unmistakable terms that no reforms shall be acceptable to the Indian National Congress which reforms are not extended to the North West Frontier Province. (Cheers.) This is quite satisfactory. (*An Honourable Member*: "Not quite.") Sir, to me it looks it is quite satisfactory.

Sir, before I proceed further I would like to say a few words about the speech that was delivered by Sir Denys Bray the other day. I submit, Sir, that in his speech we find no encouragement. To me it looks as if the Sir Denys Bray of to-day is somewhat different to the Mr. Denys Bray of the North West Frontier Reforms Inquiry Committee. (Laughter.) He is the author of that Report. He subscribed to the Report of the majority of that Committee. They therein distinctly said that the Frontier Province was quite fit for reforms and that not a single day's delay should be made in introducing them. But now he (Sir Denys Bray) tries to falter. He is there to bide his time. He wants to think over the matter again. Well, Sir, I have a message for him. Rudyard Kipling is my favourite study these days and in his words I say to the Honourable Member sitting opposite on the Treasury Benches:

"Last night you swore our voyage was done,  
But seaward still we go;  
And you tell me now of a secret vow  
You have made with an open foe."

(At this stage Mr. President vacated the Chair which was taken by Mr. Deputy President, Diwan Bahadur T. Rangachariar.)

Sir, I have no desire to detain this House by noticing in detail the speech of my Honourable friend Pandit Madan Mohan Malaviya. But surely I want to say a few words by way of reply. The other day he said that he was opposed to these reforms being extended to this Province. Why? Because there was communal tension there in the Frontier, because Hindus and Mussalmans were not united, because the Mussalman majority was not on good terms with the tiny minority of Hindus in the Frontier. Sir, I ask him in all sincerity, I ask him on the floor of this House in all humility, "Is this the position that you took up when you advocated the cause of India as a whole the other day in this Assembly?" There have been more than half a dozen occasions when the question of constitutional reforms has been discussed on the floor of this House and the Honourable Pandit has always taken part in those discussions. I ask him, "Did you ever say then that you were advocating reforms for India, India which did not include the North West Frontier Province?" Well, Sir, it is clear he did not say that; and if he had said that on those occasions I for one would have thought twice before walking with him into the same lobby. Sir, you will pardon me if I do not refute the arguments of the Honourable



Pandit in my own words. To refute the arguments of the Honourable Pandit on this occasion, I bring forward the Honourable Pandit who spoke on a previous occasion. (Mr. K. Ahmed: "Drag him in.") This is, Sir, what he said on 8th September 1925. He referred to these communal differences that exist all over India. I maintain that it is not a peculiar thing to the Frontier. Sir, . . .

**Mr. B. Venkatapatiraju** (Ganjam cum Vizagapatam: Non-Muhamadan Rural): Sir, I rise to a point of order. I find, Sir, from the proceedings in the House of Commons that statement made by absent members cannot be quoted; and in support of that statement I propose to read, Sir, for your information. I am speaking (there were several interruptions) . . .

**Mr. Deputy President:** The Chair wishes to understand the Honourable Member. The Honourable Member will please address the Chair.

**Mr. B. Venkatapatiraju:** My friend Mr. Abdul Haye is quoting the statement of Pandit Motilal Nehru. (Honourable Members: "No, Pandit Madan Mohan Malaviya.") He quoted Pandit Motilal Nehru.

**Mr. K. Ahmed:** He never quoted Pandit Motilal Nehru. The Honourable Member has caught hold of the wrong end of the stick.

**Mr. B. Venkatapatiraju:** He quoted Pandit Motilal Nehru. I want to raise a point of order for the ruling of the Chair.

**Mr. Deputy President:** I must call upon the Honourable Member from Bengal to keep silence. He does not allow the House to go on. Mr. Venkatapatiraju.

**Mr. B. Venkatapatiraju:** The Speaker allowed the statement of Mr. Gladstone to be quoted in 1873, but again when it was quoted in 1885, the Speaker then pointed out that it was a mistake that the statement of Mr. Gladstone could be read in the House of Commons, and since 1885 the statement of any absent Member is not allowed to be read in the House.

**Mr. Deputy President:** I have understood the Honourable Member. He is rather late. The Honourable Mr. Abdul Haye is now referring to a speech made by Pandit Madan Mohan Malaviya in this House. I do not see the relevancy of the point now taken. He should have taken this objection when Mr. Abdul Haye was referring to the speech of Pandit Motilal Nehru. Mr. Abdul Haye.

**Mr. Abdul Haye:** Sir, before I quote from the speech of my Honourable friend I would like to make one observation. I ask: are these communal differences peculiar to the North West Frontier Province? If my Honourable friend would like to come with me I should like to take him to the Punjab, the land of five rivers from which I hail. The feelings between the two communities there are as bitter as they are anywhere else. In my province the Hindu minority has refused to co-operate with the Mussalman majority. If you will only refer to the reports of the proceedings of the Punjab Legislative Council you will find this. The Hindu minority there declined to elect a Mussalman as a non-official President and were at one time prepared to prefer that the Honourable Mr. Casson who was at that time the official President should continue as an elected President.

**Mr. K. Ahmed:** What a shame!

**Mr. Abdul Haya:** This is the spirit in which the reforms are being worked in the Punjab. Sir, in Lahore the Hindu members of the Municipal Committee, in spite of the fact that they have their representation over and above what they are entitled to according to their numerical strength, are still keeping away from the Committee. If you go to the mufassil you will find that in more than half a dozen places the Hindu minorities have revolted against Mussalman majorities and against Mussalman non-official presidents of the local bodies. Sir, you will now allow me to refute the argument of the present day Pandit Madan Mohan Malaviya from what he said on another occasion in this very House. On the 8th September 1925, when referring to a similar argument that was advanced by the Treasury Benches regarding communal differences standing in the way of the establishment of responsible government in this country, this is what the Honourable Pandit said:

"For a long time past a great deal has been said by some of our European subjects about this country not being fit for self-government, for the adoption of self-governing institutions. The first speech I made in the Indian National Congress was in 1886."

That was two years, Sir, before I was born.

"I remember very well that in that speech I tried to answer some of this criticism. From that time up to this these arguments have often been repeated—that India is not a nation, that Indians are divided by insuperable differences into opposing communities, that there are communal and religious differences which cannot be got over, and that there is no national feeling among us. These arguments have been repeated *ad nauseam*"

—and the Honourable Pandit has added to them now—

"and I thought it would be unnecessary in this debate to answer them again."

And this is how he proceeded:

"I do not wish to go into a scholastic discussion as to what constitutes a nation. A people however divided they may be by religions and creeds, who live in one country, who are the subjects of one sovereign, who are governed by one system of Government, by one set of laws which affect them equally, to constitute a nation in the opinion of every political philosopher who has dealt with the subject. And we are such a nation."

Mark his words, Sir.

"And we are such a nation. We have long been a nation and shall continue to be a nation despite all the differences that divide us."

Sir, can I ask the Honourable Pandit now whether to-day, the 18th March, 1926. we are still a nation?

**Pandit Madan Mohan Malaviya:** Yes.

**Mr. Abdul Haya:** If we are still a nation, why this differential treatment? I want to point out to this Honourable House that to me  
 4 P.M. it looks as if certain people in this country have despaired of Swaraj. There are many that have despaired of Swaraj, therefore they want to make the best of the situation by getting separate favours for their communities. It is a matter of supreme regret to me as a Nationalist, whose work in this House has always been fully approved of by the leader of the Swaraj party,—it is a matter of extreme regret to me that just at the moment when we find that a distinguished Nationalist from Madras has tabled a Resolution in another place (a Resolution which has been

talked out since then) for the establishment of full Dominion status in Madras (they would not wait for the time when dominion status would come for the whole of India but now they want it separately for that province) it is a matter of extreme regret to me that their co-religionists on the floor of this House resist the legitimate demands of my co-religionists on the Frontier.

Sir, here is another speech made by my Honourable friend in this very House. This was on the 13th February, 1924; when we were discussing the question of grant of full Dominion status to India, Pandit Madan Mohan Malaviya said:

"I request, Sir, that the Government should reconsider its opinion and adopt the Resolution which has been put in the amended form. If this Resolution is adopted, there will be peace and goodwill in all parts of the country. If the Resolution is treated in the manner in which the Honourable the Home Member has sought to treat it, it will embitter feelings further and it will lead to no good result. A new Government has come into power; Ireland has received her freedom; Egypt has received her freedom; other nations of the world are enjoying freedom and prosperity. How long shall India be kept out of her freedom? India longs for it; India will not be content, India will not be happy, until she receives it. It is due to Englishmen, it is up to Englishmen, to help India to obtain it by friendly goodwill as fellow-subjects of one King, to whom we all owe allegiance."

I will not detain the House by reading further, but before I leave this subject I want to show that when I say that these communal differences are the same all over the country, I am fortified in my position by an authority which is no less than that of Diwan Bahadur Raja Narendra Nath, the President of the Hindu Maha Sabha. This is what he said last week in Delhi:

"The question of conflict between Brahmins and non-Brahmins in provinces in which the question exists, should be closely studied and every effort made to remove that conflict."

So, the question, Sir, is not only one affecting the Hindus and Muslims but there is a conflict between the Brahmins and the non-Brahmins also:

"The question of mutual relations between Hindus and Muhammadans has become a very difficult one and though I do not despair of an ultimate solution, its immediate settlement is well-nigh impossible."

Sir, along with this my Honourable friend referred to those unhappy incidents that happened on the Frontier. He referred to the Kohat riots. I only want to draw the attention of this Honourable House to the fact that the Kohat riots were due not to any fault on the part of my co-religionists there. It was a Hindu gentleman who had written a highly objectionable pamphlet who was at the bottom of all this trouble. Then Sir, the first shot was fired by the Hindus and what followed was deplorable. (At this stage Mr. President resumed the Chair.) I condemn it in the most unmistakable terms. Sir, the question is why you cannot forget a Kohat, while we have forgotten a Kartarpur, while we have forgotten a Panipat. Do you know what happened in Panipat during the last five years? (*An Honourable Member*: "Shahabad".) I would only ask you to go and read the judgments of Mr. O'Connor and Mr. Waugh in which they have found that the trouble was entirely on the part of the Hindus. Sir, I have no desire to refer to Malabar or Chauri Chaura, I have no desire to refer to other incidents, but you will pardon me if I take the time of this Honourable House by referring to the movement which was known as the Babar Akali movement, in the Punjab. I hope my Honourable friends will bear me out when I say that it was a revolutionary movement started and

[Mr. Abdul Haye.]

engineered by non-Mussalmans and was intended to overthrow the government established by law in British India. They were Sikhs; they belonged to a community for which the Honourable the Pandit has a soft corner in his heart. And, Sir, what did they do? They preached their pernicious propaganda openly; they went from village to village and for the time being it looked as if the Government had abdicated. The lambardars and zaildars co-operated with them . . . .

**Sir Hari Singh Gour** (Central Provinces Hindi Divisions: Non-Muhamadan): Sir, I rise to a point of order. I wish to ask you how far the Babar Akali movement is relevant to the present discussion.

**Mr. President:** The Honourable Member is quite relevant.

**Mr. Abdul Haye:** I may explain it. It has been said that the disturbances on the Frontiers stand in the way of the reforms being granted to them; it has been said that the Pathans are an inflammable people and have committed murder, arson and dacoities, and I want to show that murders, arson and dacoities of a grave character were committed during the last three years in the very heart of the Punjab which even to-day enjoys all these reforms. Sir, those Babar Akalis killed every person . . .

**Sir Hari Singh Gour:** Sir, I want your ruling. How far is the Honourable Member justified in referring in detail to the Babar Akali movement?

**Mr. President:** I have already ruled that the Honourable Member is quite relevant.

**Mr. Abdul Haye:** What is sauce for the goose is sauce for the gander. If such serious disturbances in the Punjab cannot stand in the way of reforms being enjoyed by that Province then, I ask, in the name of fair play, how can disturbances and riots stand in the way of the North-West Frontier Province?

**Nawab Sir Sahibzada Abdul Qaiyum:** And yet it is the cause of these Akali Sikhs that the Honourable Pandit is advocating every now and then on the floor of this House.

**Pandit Madan Mohan Malaviya:** Sir, I must say it is extremely unfair to identify with the Babar Akalis, who were a small band of men who committed wrongs and paid the full penalty for them with their lives or liberty, the whole Sikh community which I have tried to serve.

**Mr. President:** The remarks of Sir Abdul Qaiyum may not be justifiable but the Honourable Mr. Haye is quite in order in referring to the Babar Akali movement.

**Pandit Madan Mohan Malaviya:** I did not submit that they were not relevant (*Cries of "Order, order"*); I only objected to Sir Abdul Qaiyum's remarks.

**Mr. Abdul Haye:** What did these Babar Akalis do, Sir? They carried on this propaganda against those persons whom they believed to be loyal to the Government; they killed the lambardars and the zaildars, and they killed more men than were killed in the Kohat riot, innocent women were ravished, children were cut to pieces, houses were burnt and dacoities were committed, and we do find this that, in spite of all this, not a little finger

was raised against the Punjab, against the Sikh community. They carried on propaganda through a press which was called the "Udaru" press, meaning the "flying press" because they did not keep it at one place. I have a translation of one of the papers edited by one of the leaders of the Babar Akali movement. I will not read the whole of it, I will quote only a few lines so that this House may have an idea as to the nature of the propaganda that was carried on:

"Bureaucratic oppressions have reached their limit. Wherever one looks one hears cries of horror and the Sikhs are forcibly made irreligious. . . . All Sikh prisoners are being subjected to indescribable and unbearable tortures. . . . Hence it is most essential that every Sikh should arrange for arms. The time is fast approaching when you will have to engage in war for the protection of your religion."

And, Sir, there is an announcement under the head "Award!" A man was killed by three bullets; he was a loyalist; and the announcement says:

"On the 27th March, Hazara Singh of Bahlpur awarded three squares."

that is killed by three bullets. Perhaps, Sir, my time limit is over.

I would appeal to all Honourable Members of this House to forget all these communal differences and rise equal to the occasion. I have been guilty of referring to them because my hands were forced by the Honourable Pandit; otherwise I know my responsibility. I only want to show that we Muhammadans and the Hindus of India are in the same boat and in the safety of the boat lies the safety of all of us. You cannot throw mud upon each other; and my message to the Honourable Pandit is:

"Twixt my house and thy house the pathway is broad,  
In thy house or my house is half the world's hoard;  
By my house and thy house hangs all the world's fate,  
On thy house and my house lies half the world's hate.  
From my house and thy house no help shall we find,  
Save thy house and my house, kin cleaving to kind:  
If my house be taken, thine tumbleth anon,  
If thy house be forfeit, mine followeth soon."

With these remarks, Sir, I support this motion.

**Sir Darcy Lindsay** (Bengal: European): Sir, if I rise at this moment to join in the debate it is to try and steer the ship into peaceful waters again. We on this side of the House—I am referring to my colleagues—pay the highest compliment to Raja Ghazanfar Ali Khan for his very able speech and the moderation with which he put forward his case. I wish, Sir, the tone had remained the same.

Now, Sir, I would like to state at once that I for my part propose to support this Resolution (Cheers), and I believe my colleagues are in agreement with me. (Cheers.) If it were necessary to put forward an outstanding reason for doing so it would be in the fact that this part of the country at least appreciates the reforms and the benefit, the real benefit they have brought to India as a whole. (Cheers.) I am aware that certain other parts of the country are never tired of telling us that the reforms are unworkable, they are not wanted, they are bad, and I have even heard them described as rotten. It is, therefore, Sir, distinctly refreshing to find that this great people, this brave people from the North-West Frontier, find the reforms to be good enough for them to work under. I am not aware, Sir, whether the Resolution can be given effect to at an early date, and particularly as to the financial position; but if at all possible to be carried out I repeat that I favour the granting of the request

[Sir Darcy Lindsay.]

now put forward. Whilst I express no opinion on the method, nature or measure of self-government which should be accorded to the North-West Frontier Province, bearing in mind the Imperial factors which enter into the problem, yet I recognise that the character, loyalty and independence of the people there are the strongest arguments in favour of the Resolution. There is much also in the argument that the forward march of civilisation which such a measure would become may contribute in no small degree to the solution of our Frontier progress. With these words, I commend the Resolution to the House.

**Sir P. S. Sivaswamy Aiyer** (Madras: Nominated Non-Official): I should like to congratulate my Honourable friend Maulvi Murtuza Sahib on the spirit of good humour in which he moved his resolution for the extension of the Montagu-Chelmsford reforms to the North-West Frontier Province. It must be a matter of satisfaction to us all that, on the whole, this debate has been conducted in a calm atmosphere. I hope that the same spirit will be maintained during the rest of the debate.

I have taken considerable interest in this subject and, as the result of a careful study of it, I moved the resolution which was passed by the Legislative Assembly in September 1921 and which led to the appointment of the Bray Committee. The resolution of the Assembly was two-fold. It recommended the amalgamation of the judicial administration in the North-West Frontier Province with that of the Punjab and it also recommended the appointment of a committee to inquire into the results of the creation of the North-West Frontier Province and the expediency of a general re-amalgamation of the five administered districts of the Province with the Punjab. The resolution did not raise the question of the creation of a Legislative Council for the five administered districts. It was, however, included in the terms of reference to the committee. The third term of reference was whether, in the event of the separation of the administered districts from the political control of the adjoining unadministered tracts being considered inexpedient, it would be expedient to retain the whole Province directly under the Government of India and, if so, to constitute a Legislative Council for the five administered districts. The inquiry by the committee has not been altogether barren of useful results. It threw a searchlight upon the defects in the administration of the Province. Some of the defects to which I drew attention have been recognised and admitted by the authorities and remedies have been recommended for their removal.

Upon the main issues before the committee, there was unfortunately a cleavage of opinion. My Honourable friend, the mover of this resolution, has complimented the majority upon the quality of their report as opposed to the quantity of the minutes of the dissentient members. I gladly join in the tribute to the report of the majority which betrays the hand of my friend Sir Denys Bray and is conspicuous for its literary merit rather than anything else. But, for an adequate and impartial review and appreciation of the evidence, for logical constituency, clearness of thought and sound judgment, we must turn to the masterly minutes of Mr. Samarth and my friend Diwan Bahadur Rangachariar. My Honourable friend, Sir Denys Bray, has expressed his satisfaction over the delay in publishing the report of the Committee on the ground that it created hardly a ripple. My Honourable friend cannot have forgotten that

since the publication of this report notice has been given of resolutions upon the subject, session after session, but that the fortunes of the ballot have not been favourable to their inclusion in the agenda. He has expressed his satisfaction that the cry for amalgamation, general or even judicial, is now dead. Whether the cry is dead or not, I am not on this occasion going to disturb his self-complacency over this question.

I propose to confine myself entirely to this one issue of the expediency of the extension of the Montagu-Chelmsford reforms which has been raised by the original resolution. The problem is very grave and complicated. It is beset with difficulties and the manner of its solution is likely to be attended with momentous consequences. I approach the problem in the spirit in which Sir Denys Bray has exhorted us to deal with it. I have always endeavoured in matters coming before this Assembly to examine questions from the all-India point of view. The problem before us has to be examined anxiously and dispassionately not with an eye to the interests of this community or that community, be it tiny or large, but entirely on its own merits and from the point of view of India as a whole. I regard it not as a Hindu-Mahomedan question, not as one involving a clash of interests between contending parties. In a Province in which 92 per cent. of the population belong to one community, that community will naturally have a predominant voice in the administration. I will deal with the problem exactly as it would have to be, if the population were entirely homogenous and consisted only of one community. I would respectfully ask the House not to import any Hindu-Muhammadan considerations at all in the decision of this question. In the report of the Frontier Inquiry Committee itself, I venture to assert that the minority have not been swayed by communal considerations. It was a very unwarranted and unbecoming suggestion on the part of the majority that their colleagues of the minority were thus influenced. More than once in the report we find a grossly improper insistence upon the accident of the minority being composed of Hindus.

When the Honourable Sir Denys Bray began his speech in the debate the other day in solemn tones, the House listened to him with bated breath in the expectation of some announcement of the intentions of the Government of India, but when the Honourable Member sat down, we felt that the speech was a pompous piece of nullity or perhaps something worse. I say something worse, because the concluding sentence of the Foreign Secretary's oration is bound to be interpreted as an invitation to agitation, even if it were not so intended. But there is comfort in the fact that the Government of India have not made up their minds before giving an opportunity to the Members of this House to express their opinions. I was glad to hear that the Government of India had set itself down deliberately to rethink this problem and I trust that this process may lead them to sounder conclusions than those reached by the majority of the Committee.

On the third term of reference the majority envisage the introduction of full-fledged reforms and advocate the creation of a Legislative Council with a large elective majority, a Minister in charge of transferred subjects, an Executive Council in charge of reserved subjects and all the essentials of the reforms enjoyed elsewhere. They justify this recommendation on the ground that there is a general demand for participation in the Reforms to the full measure, that the inhabitants of the province are not

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behind the rest of India either in intelligence or in capacity to manage their own affairs and that the Pathans' desire for self-determination must be satisfied.

Let me first say a few words upon the origin and character of this demand for the extension of the reforms. So far as one can judge from the report or otherwise, there is no evidence of any demand for the extension of full-fledged reforms before the publication of the terms of reference of the Committee or, at any rate, before 1921. In the public address presented to Sir John Maffey on the 9th of April 1921, on the assumption of the Chief Commissionership, reference was made to the fact that the Province had been excluded from the benefits of the reforms scheme and great gratification was expressed at the announcement of Sir Hamilton Grant on the eve of his departure that a scheme was actually under the consideration of the Government granting the people some measure of the reforms. In the reply given by Sir John Maffey, he informed them that an advisory council was all that could be thought of. The extension of the reforms to the Province was vaguely adumbrated by the Government of India during the course of the debate on my resolution as a scheme for securing representation of certain portions of the North-West Frontier Province.

**Mr. K. Ahmed:** I rise to a point of order, Sir. My complaint is this. Sir Sivaswamy Aiyer is reading his speech so rapidly from his manuscript that we cannot hear him.

**Mr. President:** Order, order. The Honourable Member is quite out of order.

**Mr. K. Ahmed:** We cannot hear him at all, Sir. The speech may be taken as read.

**Mr. President:** Order, order.

**Sir P. S. Sivaswamy Aiyer:** Presumably it was the scheme of an Advisory Council that was referred to by the Law Member during the course of the debate in September, 1921. It became apparent to the Government that there was at least a considerable body of opinion in the Province in favour of the amalgamation of the Province or of the judicial system. The creation of a Legislative Council was included in the reference to the Committee to be dangled as a counter-attraction to the proposal for amalgamation which was, from the beginning, distasteful to the Foreign Secretary and which, it was apprehended, might otherwise gather strength. The demand by many of the witnesses for an extension of the reforms was put forward as an alternative to a demand for amalgamation. The minutes of the minority throw light upon the methods which were adopted by the officials after the issue of the reference to the committee to educate or rather manufacture public opinion in favour of the views which were believed to be held by responsible authorities. Memoranda were prepared by some of the responsible officials for the instruction of public opinion. Tahsildars were sent about the districts with the object of getting memoranda (and preparing them if necessary) from witnesses to appear before the committee. In some districts, Extra Assistant Commissioners were sent about the districts to evoke public opinion. The oral evidence of the witnesses



whose signatures were obtained to the memoranda was sometimes at variance with those contained in the memoranda.

Let us now turn to the evidence of the Muhammadan non-officials in support of the demand for full-fledged reforms. There were some witnesses who were averse to the introduction of a Legislative Council and even those who were in favour of it had great doubts about the suitability of the elective system. As pointed out in paragraph 37 of Mr. Rangachari's Minute, the bulk of responsible Muhammadan opinion was apprehensive about the suitability and success of an elective Legislative Council. Some of the non-official witnesses pointed out the difficulties in the working of an elective system. They referred to the existence of tribal factions, blood-feuds, the evil influences of the Khans, the absence of competent and qualified representatives, the want of education among the Pathans, the necessity for vesting large powers in the Chief Commissioner and the inevitable cost of the machinery of the reforms. Let me now refer to the speech made in this House the other day in support of the resolution by that distinguished politician, Nawab Sir Abdul Qaiyum. May I be allowed to compliment him upon the great skill, tact, persuasiveness and plausibility of his excellent speech. I was struck with wonder when he drew the picture of a province from which outrages and fanaticism had disappeared for ages. He himself stated; "What I want is really a sort of council call it an *advisory council* if you like although this term does not sound so well as a Legislative Council." He said that he himself was no great believer in the reforms and in the Legislative Councils, that he had said so before the Inquiry Committee, and that he was not sure if the Councils elsewhere had done any good to the country.

Almost every responsible officer examined by the committee entertained serious misgivings and felt the necessity for proceeding cautiously. They were doubtful about the capacity of the people for the introduction of full-fledged reforms. Major Bruce, the Deputy Commissioner of Kohat, seriously doubted whether the province was prepared for a Legislative Council. Colonel James advocated the establishment of an advisory council only, in the first instance, and he urged that the members should be nominated and not elected, as the franchise was not understood by the electorate even in the most elementary form. Major Crosthwaite had his doubts as to the expediency of the reforms. Mr. Pipon urged the need for caution in bringing the reforms into operation. Sir John Maffey's opinion underwent remarkable changes within a short period of time. In April 1921 he could not think of anything but an advisory council. On the 15th of August, 1921, in a note prepared by him as Chief Commissioner, he was emphatic that political reforms as in the Punjab were utterly foreign to Pathan character incomprehensible to their feudal sentiments and never seriously demanded except by *irresponsible agitators*. But when he was examined in May 1922 at Peshawar he spoke very guardedly on the subject of a Legislative Council. He was in favour of introducing some elective elements but he spoke only of restricted selections. He thought that it was a matter for the Government of India to decide upon and for him to carry out. Even in the case of local bodies he was prepared to introduce the elective principle only in a fractional way to give it a trial. When Sir John Maffey was again examined at Abbottabad he was prepared to make a further advance. When pressed for an answer he very properly emphasized that the final decision was with the Government of India and that it was for him to carry out orders. These changes of opinion seem to have

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been brought about by extraneous influences and it is perhaps not a far-fetched inference that a spell or hypnotic influence proceeded from the Foreign Secretary who wished to stop the cry for amalgamation by the offer of a full-fledged Legislative Council.

Let us now proceed to consider whether the conditions which are necessary for the introduction of a representative legislature are fulfilled in the present case. There are politicians who swear by the shibboleth of self-determination and who imagine that nothing more is necessary for the working or the introduction of representative institutions than the mere desire of the people concerned. But this view is neither supported by thoughtful writers on political institutions nor by political experience. The successful working of representative legislatures necessarily pre-supposes a certain level of capacity, character and experience on the part of the people. It is not mere native intelligence that will suffice to ensure the success of representative institutions. A community possessed of sufficient natural intelligence may still be unfit by character, temperament, habits and the stage of social evolution it has reached. Law-abiding instincts, the habit of obedience to a central authority, a sense of respect for the rights of others, some experience of the elective system in the management of local bodies must be regarded as essential qualifications for determining the fitness of a people for a representative legislature. It has to be considered how far these qualifications can be found among the people of the Frontier. I do not question the natural ability of the people or their bravery, manliness and prowess, nor do I disparage the ability of the educated specimens of the community. Let me refer to a few extracts from the opinions of the official and Muhammadan witnesses before the committee. The majority of the committee state that probably all the Saiyids and the great mass of the village dependants in the Frontier Province form part of the Pathan tribal system. In the tribal territory, with the inhabitants of which the people of the Province are so closely allied, tribal law or what we should call lawlessness was, and is, according to the majority, the only law and its ultimate sanction is the rifle in the hands of the individual tribesman.

In the Frontier Province, passions are hot, blood-feuds are endemic and refuge from the arm of the law is close at hand across the border. The Pathan is temperamentally hot-headed and impatient of delay, with a hereditary tendency to take the law into his own hands. Sir John Maffey says:

"The people living on each side of the border are the same people, many of them have homes on both sides of it; they are closely related by blood and in custom and sentiment they are one. These people both cis and trans-frontier are the same people and all of the same strongly marked ethnic type—the Pathans."

He observes:

"This Province cushioned between the Indian continent and the troublous regions of Central Asia registers the varying shocks of the outer world. The Pathan population have ties of custom and kinship with the tribal Afghan borderland which render them prone at all times to lawlessness, quick to violence, apt to seek vengeance for themselves rather than submit to an alien form of justice. Their proximity to the border renders it necessary to permit a wide distribution of arms for the purpose of defence while at the same time it affords an easy refuge for the criminal who desires to escape from our penal laws. The old instinct to murder one's enemy has quickened and the means of doing it have increased. The result is plainly reflected in the criminal statistics."

He also observed :

"They carry on blood-feud among themselves. They do not, of course, live in the same way as the trans-borderers do occupying fortresses against one another, but it breaks out in any moment. They have not lost their characteristics at all."

Mr. S. E. Pears said :

"We are dealing with a Province which is mainly Pathan in constitution, where the blood-feud is endemic, where the people are very quick to anger just as they are quick to good temper, violent crimes are frequent, raids take place, murders are committed."

Mr. K. Ahmed : We cannot understand one word of what the Honourable Member is saying.

Mr. President : As if the Honourable Member himself is understood by the whole House, when he speaks !

Sir P. S. Sivaswamy Aiyer : A learned gentleman, one Maulvi Nur Baksh, describes the cis-border Pathans in the following terms :

"Their family quarrels and blood-feuds are the things that mostly attract their attention and engross their time and all of them are equally fanatical, equally excitable and turbulent."

The Nawab of Kala Bagh, who is a resident of Isakhel Tahsil, said of the cis-Frontier people that they kill a man as if he were a fly.

The criminal justice administration reports abound with descriptions of the character of the people. Mr. Barton, the Sessions Judge of Peshawar, stated that the modern system of law in force in the Frontier is unsuited to a population whose ethics are little in advance of the Dark Ages. The outlaw's life is stated by the District Magistrate of Kohat to offer positive attractions to adventurous spirits of the Khuttaek Ilaka. In reply to the question of my Honourable friend Nawab Sir Abdul Qaiyum whether the people of the Province have not submitted to the Indian Penal Code, I would quote the remarks of the Chief Commissioner in his report of the Police Administration of the North-West Frontier Province of 1920 :

"We must confess that a generation of the Penal Code has failed to turn the Pathan into a modern citizen."

In the Administration Report for 1922-23, it is observed :

"We have the operation of a force infinitely more powerful amongst the Pathan community, the passion for private revenge under the baneful influence of which murder ever tends to beget murder and the greater the tale of blood-shed the greater the probability of its continuance. Murder being as a rule due to personal enmity, the commission of murder is seldom looked upon as an offence against the community."

Speaking during the debate of 1921, Mr. Townsend remarked that he could hardly imagine, whatever the changes the Government of India may find themselves able to make in the administration of the Frontier Province, that they would find it possible to give them the same degree of self-government as is practicable and advisable in the Punjab. Sir John Maynard had doubts as to the perfect political fitness of the people of the frontier districts to receive the same rights and privileges as in the Punjab. He also said that he was not thinking solely of capability and intelligence but of the extent to which they really feel themselves to be British subjects. Their eyes might be turned in two directions. Sir John Maffey observed :

"The Frontier may be regarded as in a state of siege. Popular Government, to the extent to which it is developed in other parts of India, I consider unsuited to the peculiar needs of the borderland. They are fanatical, excitable and violent crimes are frequent."

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It is needless to multiply these extracts. It will be obvious that the mass of the people have not yet emerged from the tribal organisation of society or acquired the law-abiding instinct and the habit of obedience to a central authority, which is the first and the most essential lesson of civilisation. Nobody will refuse to join Sir Denys Bray in the tribute he pays to the prowess of a manly, virile and independent people. But virility and independence are not the only qualifications for democratic institutions. I may refer to the observation of a classical writer on the subject that a race who have been trained in energy and courage by struggles with nature and their neighbours, but who have not settled down into permanent obedience to any common superior would be little likely to acquire this habit under the collective government of their own body. A representative Assembly drawn from among themselves would simply reflect their own turbulent insubordination. The people have had no experience of the elective system even in the sphere of local bodies. Neither in the municipalities nor in the notified local areas nor in the district boards has the principle of election been applied at all. The proposal to resort to election in one instance was abandoned in deference to the opinion of most responsible people in Peshawar that the system is unsuited to a frontier city and some of the witnesses objected to the introduction of the elective principle in the local bodies on the ground that the people would not agree and that it should be left to the Government. Even so late as 1923 we find it stated in the administration report that the only reform so far thought of was the privilege of electing non-official Vice-Presidents for municipalities and district boards from among the nominated members of those bodies. In the District Board Conference held at Peshawar in November, 1924 under the presidency of Colonel Keen, the then Revenue Commissioner, the general sense of the meeting was opposed to the introduction for the present of the Punjab system of election for membership of district boards. It was pointed out that no system of election at all existed in the province and that any system of election for district boards should await the result of election for a Provincial Council in this province. What a strange inversion of the usual course of development of the elective system! It is curious that even the majority of the Bray Committee have put forward no proposals for the introduction of the elective system into the local bodies. It is a political commonplace that local bodies furnish the best school for acquiring training in the management of public affairs and yet the majority have no hesitation in recommending the introduction into a province, without any experience of the elective system, of full-fledged reforms on the model of the Legislative Councils which have been introduced into the major provinces.

It may perhaps be asked how a people can acquire any knowledge of the art of self-government unless opportunities were provided for acquiring experience and knowledge. It is a perfectly legitimate question but the answer is that such opportunities should be provided not at the higher level but at the lower level of self-government. The educative effect of self-governing institutions is best realized in the sphere of administration of local bodies and it is idle to think of the introduction of the elective principle in the provincial sphere, before it has been tried and developed in the management of local bodies. I have endeavoured to show that the conditions necessary for the introduction of popular control over the Gov-

ernment of the Province do not now exist in the case of the Frontier Province and are not likely to exist until the people acquire law-abiding instincts and pass out of the tribal state of social organisation. It may also be pointed out that the conclusions of the majority are opposed to the teaching of history with regard to the evolution of popular government. The usual course of advance has always been from a system of tribal organisation to a system under which a strong central government reduces or extinguishes the powers of the tribal chiefs with their discordant and disruptive influences, inculcates among its subjects a sense of primary allegiance to the central authority and a habit of unquestioned obedience to its laws and welds the members of the tribes into an organic whole. It is after this process has been completed by the exercise of a more or less strong autocratic authority that it is possible to make a further advance to the stage of popular government and for the Central Government to transfer a portion of its powers by decentralization and devolution. The attempt to skip the second stage of evolution and to pass straight from the conditions of a tribal society to those of a popular government is an experiment which cannot be justified by an appeal to past experience and is fraught with risks of failure.

I will now assume for the purpose of argument that the mass of the people in the North West Frontier Province are quite fit intellectually, morally and socially for the gift of popular government. I will briefly examine the question, how far the recommendation of the majority for the introduction of full-fledged reforms is consistent with their own doctrines and how far it can be fitted into the political constitution of British India. Over and over again, the majority lays stress upon three axioms of frontier administration: (1) the impossibility of separating the Frontier Province from the trans-border tracts, (2) the inseparability of the various parts of the whole Pathan frontier area and (3) the imperative necessity for the retention of the whole Frontier Province and the trans-border tracts under the direct control of the Government of India for the efficient conduct of external affairs and foreign policy. The first of these axioms is based upon the close and inextricable connection between the internal and external affairs of the Frontier Province. It is upon the bed-rock of these axioms that the report of the majority of the committee claims to be founded. They lay stress upon the practical impossibility of drawing a hard-and-fast line between the internal and external aspects of even work-a-day matters on the frontier and the consequent difficulty of partitioning frontier business into two water-tight compartments. While they consider the administration of the settled districts cannot be transferred to any major Local Government consistently with the direct control of the Central Government and consider it necessary that the administration should remain in the hands of a minor Local Government, they proceed with a strange inconsistency to recommend the creation of an elective Legislative Council and the introduction of popular control over transferred subjects. What exactly the difference between a major Local Government and a minor Local Government is according to the majority, we do not know. Provinces may be classified as major or minor with reference to area, population and revenue, but these distinctions are irrelevant for the purpose in hand, namely, the intervention of an agency of control. The difference, if any, must depend upon the complexity of political structure of the subordinate government and the number and freedom of play of its organs of administration. From this point of view, how a province endowed with

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popular control over a part of the administrative sphere can be reconciled with the fundamental canons of the majority and with the direct control and close supervision of the Government of India passes one's comprehension. The unity of control over the internal and external affairs of the province can be maintained only so long as the province continues to be administered bureaucratically by the Chief Commissioner without any element of popular control. The difficulty of maintaining this unity of control over the internal and external affairs will be enormously aggravated with the progress of the reforms and with every step which the pressure of public opinion may compel the Government to take to enable the province to keep pace with the progress of the major provinces. The leaven of popular control is an expansive element and the live and vigorous constitution which Sir Denys Bray is anxious to bring into existence will not cease to grow beyond the line chalked by my honourable friend, however assiduously he may play the role of Mrs. Partington. If the Pathans will not be now satisfied with anything short of the essentials of the reforms enjoyed elsewhere, it is equally certain that they will not, in the future, be satisfied with anything short of the same provincial autonomy that may be granted to the other provinces. The political appetite of the Pathan is bound to grow with what it feeds on. Either the political sop which the majority of the committee wish to throw to the Patan Cerberus is a sham, or it betrays an amazing want of logic and perspicacity. The political judgment even of the members of the Civil Service is apt to be clouded by irrelevant emotions. The distinguished statesmen, who were responsible for the report on Indian Constitutional Reforms, were unable to think of any measure beyond an advisory council for bringing the Government of the Frontier Province into touch with the people.

Apart from this incompatibility of an elective legislative council with the fundamental canons of frontier administration, there are numerous other grave objections to the scheme which have been admirably pointed out by Mr. Samarth in his annihilating criticism of the proposals of the majority. If there is one fundamental maxim of constitutional politics more valid than any other, it is that any province which claims autonomy must be able to support itself financially. Dependence on doles or deprecations is incompatible with a claim to independence. If the central exchequer is to meet the yearly growing deficit in the administration of the Frontier Province, it is unquestionably entitled to have a voice in the administration. The principle that one person or authority could spend without question and that another person or authority should find all the monies required for the expenditure of the former is calculated to promote extravagance and waste and destroy all incentives to economy. The recommendation of the majority is also open to the objection that it will subject the Chief Commissioner to the control of two masters, one in the sphere of internal administration and the other in the sphere of external administration—the very objection that was urged by the majority to the proposals of the minority.

It is not necessary for me to dwell upon the constitutional difficulty which Sir Denys Bray admitted in the other House that he had glossed over. I will only dwell very briefly upon the financial obligations to which we shall be committed by the proposals of the majority.

When the Frontier Province was created, the extra annual cost of the new Province was estimated by Lord Curzon at 3½ lakhs. In 1902-03, the deficit of the Province was 38 lakhs. It went on increasing by rapid strides . . . . .

**Sir Denys Bray** (Foreign Secretary): If I may interrupt . . .

**Sir P. S. Sivaswamy Aiyer**: If you will just hear me . . .

**Sir Denys Bray**: I want to bring an elementary fact to Sir Sivaswamy Aiyer's notice. It was the extra expense and not the deficit.

**Sir P. S. Sivaswamy Aiyer**: I am only taking the deficit. I will refer to the explanation of Sir Denys Bray, which I have anticipated.

According to the Administration Report of the North-West Frontier Province, the deficit in the year 1923-24 amounted to 158 lakhs odd. In the year 1924-25, the deficit was 210 lakhs odd. According to the revised estimates of 1925-26, the deficit is 221 lakhs odd. According to the budget estimate for 1926-27, the deficit is 225 lakhs odd. For the purpose of minimising the startling deficits my Honourable friend, Sir Denys Bray, has succeeded in inducing the Finance Member to open a new major head of "Watch and Ward," under head "10—Political" in the accounts. Even after deducting the whole of the expenditure under the political head including "Watch and Ward" amounting to 98 lakhs, the deficit for the year 1926-27 amounts to 127 lakhs and even if we deduct the cost of the Frontier Constabulary, namely, 23 lakhs, it will amount to 104 lakhs. Let it be remembered that this is exclusive of the expenditure of over 6 lakhs within the Frontier Province included in the military estimates for the next year under the head "Engineering Services." It must also be remembered that the cost of introduction of the machinery of constitutional reforms has in other provinces exceeded the original anticipations and that the inevitable demands which will be made by an elective Legislative Council for the addition of a non-official Indian Member, for the addition of at least one more Minister, for longer and more frequent Sessions of the Legislative Council and for greater expenditure under various departments are bound to increase very greatly the burden of the deficit which will fall upon the Central Government. I am afraid that the expectations of the majority of a reduction of the deficit to 20 lakhs a year with some prospect of ultimate extinction will prove as illusory as the forecast of Lord Curzon.

Apart from all the numerous objections in principle which I have referred to above, it is necessary to point out that owing to its peculiar situation, the relations and affinities between the Pathans on both sides of the border, the excitability of the people and their liability to sudden commotion and upheavals at the bidding of fanatical Mullahs, as illustrated by the Hijrat and the insurrection in Mansera, the sway of pan-Islamic ideas and sentiments and the menace of Bolshevism, the political dangers of an extension of popular government to the Province cannot be ignored. The advantages of service in the Province may be accompanied by the dangers of nearness of vision. Sir Denys Bray's associations with the Frontier and his attachment to it, combined with his poetic culture, have led his imagination into a region of Frontier romance and he has built castles in the air. The gift of prophecy is denied to me. I can only form my judgment upon the evidence and my task is only to warn the Government of India.

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against the perils of the adventure upon which they are urged to embark in the pursuit of a policy which, I am afraid, will prove a monument of political unwisdom.

(Several Honourable Members moved that the question be put.)

**Mr. M. A. Jinnah** (Bombay City: Muhammadan Urban): Sir, the question before the House is one which requires a great deal of restraint to begin with and even then one might say a word here or there unwittingly which might give offence to one side or the other. Sir, I do not wish to deal with this question from the communal point of view at all. I have had the honour of working with my Honourable friend Pandit Madan Mohan Malaviya since 1906. If I remember it rightly, when I first stepped on the platform of the Indian National Congress, it was my friend before whom I stood as a junior who induced me and persuaded me to make my first speech on the platform of the Indian National Congress. Ever since then I have worked with him and I have always looked upon him with the greatest admiration and respect. I have a feeling that my Honourable friend Pandit Madan Mohan Malaviya is as much a nationalist as any living Indian to-day in India. (Hear, hear.) But, Sir, sometimes we are likely to lose heart. We are sometimes likely honestly to be prejudiced.\* There is such a thing as honest prejudice. I can fully enter into the spirit, although I can not agree with the language, of my Honourable friend as to what he feels. And I can also equally enter into the spirit of my Muhammadan friends as to what they feel when they think of horrible incidents which have taken place not only at Kohat but in other parts of India as well. Sir, it is a common ground; it is our misfortune. But I appeal to my Honourable friend: are we going to lose heart?

**Pandit Madan Mohan Malaviya:** No.

**Mr. M. A. Jinnah:** Are we going to budge from our principle that we shall attain freedom for India? And are we not going to treat this question of the North West Frontier Province in the same spirit as we would treat the question of any other province? Sir, India is not the only country where we have to face a problem of this character. I will only read a few sentences from the report of Lord Durham where he describes the condition of the people in Canada, and yet Lord Durham recommended the establishment of responsible government in that part of the world. This is what he said:

“The first point to which I would draw your attention, being one with which all others are more or less connected, is the existence of a most bitter animosity between the Canadians and the British, not as two parties holding different opinions and seeking different objects in respect to Government, but as different races engaged in a national contest. The hatred of races is not publicly avowed on either side. On the contrary, both sides profess to be moved by no other feeling than such as belong to difference of origin. But the fact is, I think, proved by an accumulation of circumstantial evidence more conclusive than any direct testimony would be and far more than sufficient to rebut all mere assertion to the contrary. If the difference between the two classes were one of party or principles only, we should find on each side a mixture of persons of both races, whereas the truth is that, with the exception which tends to prove the rule, all the British are on one side and all the Canadians are on the other side. What may be the immediate subject of discussion seems to be of no consequence, but so surely as there is a dispute on any subject, the great bulk of the Canadians and the great bulk of the British appear ranged against each other. In the next place



the mutual dislike of the two classes extends beyond politics into social life where with some exceptions again all intercourse is confined to persons of the same origin. Grown-up persons of different origins seldom or never meet in private society and even when the children quarrel they divide themselves into French and English like their parents."

Sir, this, I think, is a much worse and more deplorable condition than what exists to-day in India. Do the Hindus and Muhammadans not mix socially? Do your children in schools play divided as Hindus and Muhammadans? Why, therefore, lose heart and despair? It is a problem which we have to solve, and we shall solve it provided we work together. At least the Honourable Members of this House, the representatives from different parts of India, are certainly expected to and should give a different lead to the rest of India.

Sir, the question therefore before us is this. Here is a province, the North West Frontier Province, whose people, it is admitted both by the majority and the minority, possess the qualifications which even according to the definition in the speech of my Honourable friend, Sir Sivaswamy Aiyer, would entitle them to reforms. Sir Sivaswamy Aiyer was more spirited than I have ever seen him when speaking in this House, and he said that in order that a province should claim self-government, the people of that province must possess certain requisite qualifications. What are those qualifications? He says Sir Denys Bray merely says that they are a virile and a manly race, but that is not sufficient. But, Sir, did the majority stop there? The majority in their report make it quite clear what they are, and I will read that passage:

"The frontier inhabitants are assuredly not behind the rest of India either in intelligence or capacity to manage their own affairs. Their aspirations for reforms have been awakened into full consciousness and will not be satisfied by anything short of the essentials of the reforms enjoyed elsewhere."

**Sir P. S. Sivaswamy Aiyer:** It is not supported by the evidence.

**Mr. M. A. Jinnah:** The Honourable Member says it is not supported by the evidence. I don't know how he has been able to get at this evidence. I tried to get a copy of it but could not obtain it. The evidence is not published and is not available, and I don't know who supplied him with the evidence.

**Sir P. S. Sivaswamy Aiyer:** The evidence as quoted in the Report.

**Mr. M. A. Jinnah:** I beg the Honourable Member's pardon. The evidence certainly does not support the idea that they are wanting in intelligence, that they are wanting in capacity, that they are  
 5 P.M. wanting in manliness. One of the members of the minority committee, the Honourable Mr. Rangachariar, praised their great qualities of head and heart. If that is the evidence you want, there it is. If my Honourable friend wants merely to take his stand on communal grounds, I can understand that feeling very well. If you wish to say this, that there happens to be a small minority of Hindus and that you apprehend that the minority will be entirely at the mercy of the Mussalman majority, therefore the North West Frontier Province must be amalgamated with the Punjab, I can understand that argument. I can understand that you think the Hindus in the North West Frontier Province, who are now only 5 per cent., with the help of their co-religionists in the rest of the Punjab would stand in a better position if they are amalgamated with

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the Punjab, to resist any act of tyranny or aggression on the part of the majority who still would remain to be Muhammadans. That I can understand. But let me, Sir, say to my Honourable friend Sir Sivaswamy Aiyer and my Honourable friend Pandit Malaviya that I have revolved this question a great deal in my mind and the answer is quite obvious apart from the other objections which are so clearly pointed out in the majority report. The people of the North West Frontier Province linguistically, ethnologically, geographically and in every other sense are different from the Punjab people, and why are you going to force these people, against their will and against the will of the Punjab itself, to be amalgamated with the Punjab? Sir, it is not a small province. It is a province with two millions of population. Even Australia has I believe a population of only 4 millions. And as my friend Dr. Hyder pointed out, in Europe we have independent States of which the population does not exceed more than two millions. Therefore how can you force these people against their will and say you shall be foisted upon Punjab? It seems to me, Sir, that either amalgamation or, if no amalgamation, reforms must be given to that province. What benefit would you get if no reforms are given to this province and what prejudice, what harm will be caused to the Hindus if the reforms are given to this province? Do you think that law and order is going to be handed over to a Minister immediately?

**Diwan Bahadur T. Rangachariar:** Why not?

**Mr. M. A. Jinnah:** You think it will be?

**Diwan Bahadur T. Rangachariar:** Do you think it will ever come?

**Mr. M. A. Jinnah:** Yes, by that time I think even my Honourable friend might improve in his ideas. Why should it not? I only want to know what is the immediate danger that you are afraid of.

**Diwan Bahadur T. Rangachariar:** Why don't you hand it over now?

**Mr. M. A. Jinnah:** Yes; don't you ask for it yourself in Madras?

**Diwan Bahadur T. Rangachariar:** Exactly.

**Mr. M. A. Jinnah:** Then why should they not have it? Is there one principle for the people in India and another for the people in the North West Frontier Province of India? You say they are not fit; you say they are incompetent; so the rest of India will keep the North West Frontier Province under your heels and under your subjection.

**An Honourable Member:** They cannot.

**Mr. M. A. Jinnah:** What is the good otherwise of putting forward this argument? Will they never get fully fledged self-government? Why not? You want it, they want it. Why should they be denied if they are fit for it? If you admit that amalgamation cannot be a just measure to adopt apart from the difficulties which have been pointed out by the majority report, and the majority report points out innumerable difficulties, I do not want to weary the House, it has already been so fully discussed. Well, I ask, what is your answer to two millions of people who say "We do not want to go to the Punjab"? Why must you force them?

**Diwan Bahadur T. Rangachariar:** When did they say that?

**Mr. M. A. Jinnah:** I have got the authority; I have got telegrams and letters from almost every important towns sent to me.

**Diwan Bahadur T. Rangachariar:** What did they say before the Committee?

**Mr. M. A. Jinnah:** The same thing. I have got reports of meetings that have been held for several weeks, and I ask the Honourable Member to point out to me a single Muhammadan meeting which has been held against the view I am putting forward. I know the Hindus do not want it; I know that. (*Honourable Members:* "The Mahasabha does not want it!"). Show me a single Muhammadan who is against the reforms. Even the opinion of Nawab Akbar Khan has changed since he went back to the North West Frontier Province. (*Mr. K. Ahmed:* "He was misled".) Therefore, Sir, if I cannot convince my Honourable friend there, I am sure the Government at least have more knowledge and are less ignorant than my Honourable friend there as to what the feeling is. Now, Sir, what do these people really want? They are living to-day under an administration—what administration? To describe it in the words of an Anglo-Indian paper, the *Times of India*, this is what he says:

"While fighting the battle of freedom day by day these Hindu organizations yet find it in their hearts to advocate a continuance of the obscurantist, mediæval principles of Government, bureaucratic high-handedness and policy of *zoolum* for which the Frontier Government has been so often criticised."

Do you want that to continue?

Sir, the next argument is the cost. Nobody has challenged the figures which are given by the majority committee and from that you see that the total additional cost of all these reforms which the majority committee recommend will come to Rs. 1,13,162. Out of that, remember, the Additional Judicial Commissioner has already been sanctioned. (*Cries of "Order, order"*, on a stranger entering the Chamber.) And you find that these are the three items: Pay of Minister and allowances of members Rs. 42,500; Additional Judicial Commissioner and Establishment, Rs. 43,782. That has been sanctioned. Therefore the two items that remain are Rs. 42,000 and Rs. 26,000, which come to about Rs. 68,000. Well, Sir, are we going to escape the payment of the deficit of 20 lakhs which the majority report point out is the present deficit which even the majority report does not say is wholly due to internal administration? It is difficult, they themselves realise, to separate what is the Imperial or the Central defence expenditure and what is the internal administration expenditure; and further, they even go to the extent of saying that even that will be wiped off within a short time. This is what they say:

"If the expenditure is justly distributed and the retrenchments now in contemplation are put into effect, then, according to the rough calculation we have made, the present deficit in the internal administration would drop from 56 lakhs to 20 lakhs a year with some prospect of ultimate extinction."

Sir, there is nothing therefore in any of the arguments that have been advanced on the score of the province not being self-supporting.

And now, Sir, I come to the Honourable Member who represents the Government. He expressed the view on behalf of the Government that the question of re-amalgamation was dead: the cry was dead and buried;

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and he said that even the eloquence of the Leader of the Swaraj Party cannot breathe life into those dead bones. But having negatived the re-amalgamation he gave us no further information on the subject. He himself stands committed to this report. He said that if he were asked to-day to put his signature he would do this: "The high lights might be softened;" but he did not tell us how they would be softened. "The shadows might possibly be deepened;" but he did not tell us how they would be deepened. "But the outline would remain the same." Well, Sir, I am waiting to here from him what is going to happen to the high lights and what is going to happen to the shadows. Sir, the Honourable Member, it seems, has been brought up in what is known as the Foreign and Political Department, and not in vain. In that Department one probably receives a better training for diplomacy than in any other department in the world. He made a speech and a long speech, and we heard him with rapt attention every moment waiting for some definite announcement or declaration; but at the end of it he wound up by saying:

"There is one other difficulty, which I have still to mention. It is of course ever present to us all this evening, and that is the communal question. Well, as I suggested the other day in answer to a question, I think, by my friend Mr. Jinnah, Government have been awaiting this debate with great interest and great attention. And it is with great interest and great attention that Government will follow it and its actions and reactions in the Press, in the Frontier, and in India at large."

Sir, does he expect us here again to be completely unanimous on this question? (*Sir Denys Bray*: "No.") What does he expect us to do then? Does he expect us to be wrestling on the floor of this House? What does he want this House to show him in the course of this debate? Sir, I hope that we have shown the Government and we have shown the world at large that we have discussed this question on its merits, that individual passions are bound to be roused and individual temperaments must assert themselves in any Assembly or in any legislature. Think back of your own Parliaments. Remember the speeches of Gladstone about the atrocities in Bulgaria—a great man, as great and a greater man than my Honourable friend, Pandit Madan Mohan Malaviya. (*Lieutenant-Colonel H. A. J. Gidney*: "Question.") How often was he not led away in fury, in rage? Why blame my friend here? He feels it. That is his feeling, that is his temperament. But, Sir, because you have an individual here or an individual there, is that going to be the final test? I ask the Government once again, do you wish to divest yourself of your responsibility? You agreed to appoint this Committee. My Honourable friend Sir Sivaswamy Aiyer, who is now not here, was the cause of this Committee being appointed, and this Committee has given its verdict, and two of its official members are still of the same opinion, not only Sir Denys Bray, but even the present Chief Commissioner.—I believe he was there, I do not know whether he is there now.—I mean Mr. Bolton; both these gentlemen signed the majority report. Now, what did Mr. Bolton say in answer to the deputation which waited on him not very long ago, on the 25th November, 1925? What did he say? He said:

"The first question you raise is that of Reforms. You are aware that I signed the majority report of the Frontier Inquiry Committee, and I adhere to the views I then expressed."

It was as late as 25th November 1925. He did not talk about the high lights or the shadows. He has not been in the Foreign Department. He

is only a member of the Indian Civil Service, I suppose. (*An Honourable Member*: "A machine.") But he was there a ruler, and not like those who are sitting on the Treasury Benches. There is a great difference. Sir, I therefore want the Government not to delay in giving a definite answer, because it will lead to no good. On the contrary, I think the position of Government is likely to be completely misunderstood, and might lead to results which we least desire on either side. It is likely to make the Muhammadans feel, as was pointed out by my friend Raja Ghazanfar Ali Khan whom I heartily congratulate upon his maiden speech,—it is likely to make the Muhammadans feel that it is the Hindu opposition based on the sole plea of Hindu-Moslem strife in that province that is coming in the way of their getting any advance, and the Hindus will be encouraged to feel that, as they are going on with this agitation and passing resolutions after resolutions, the Government are changing their attitude (*An Honourable Member*: "Afraid"), and are afraid and will not grant any reforms to the Frontier. (*An Honourable Member*: "What is sauce for the goose is not sauce for the gander.") This is an impression which is fraught with danger. I am only pointing out that if you do not wish to take any step on the majority report, if you do not wish to do anything, say so without delay. If, on the other hand, you wish to do something, then I appeal to you most earnestly to make your declaration without delay.

The Assembly then adjourned till Eleven of the Clock on Friday, the 19th March, 1926.



# LEGISLATIVE ASSEMBLY.

Friday, 19th March, 1926.

The Assembly met in the Assembly Chamber at Eleven of the Clock, Mr. President in the Chair.

## QUESTIONS AND ANSWERS.

### LEVY OF OCTROI ON CERTAIN EXCISABLE ARTICLES IN THE BARODA CANTONMENT.

1297. **\*Sardar B. A. Dalal:** (a) Is it a fact that the Resident at Baroda has imposed in the Cantonment area octroi from last November, on certain excisable goods and articles paying customs duties, namely, foreign and country liquors, bhang, ganja and opium at twelve rupees per Bengali maund?

(b) Are Government aware that such imposition of octroi on these articles is against the Government of India Resolution of 1868 printed as accompaniment to Government Resolution No. 602, dated 28th January, 1911, and reiterated in a Resolution of the Bombay Government, No. 8992 of 8th December, 1923?

(c) If the answer is in the affirmative, do Government propose to communicate with the Baroda Cantonment authorities regarding the deletion of these articles from the Octroi Schedule?

### LEVY OF OCTROI ON PETROLEUM, KEROSENE AND FIREWORKS IN THE BARODA CANTONMENT.

1298. **\*Sardar B. A. Dalal:** (a) Are Government aware that the Baroda Cantonment authorities are levying octroi on petroleum, kerosene, and fireworks and that such a levy is in contravention of the Resolution of the Bombay Government, No. 2936-G. D., dated the 18th July, 1924?

(b) If the answer is in the affirmative, do Government propose to communicate their views on the subject to the Baroda Cantonment authorities?

**Mr. E. Burdon:** Sir, with your permission, I propose to answer questions Nos. 1297 and 1298 together.

Government are making inquiries into the matter, and I will inform the Honourable Member in due course of the result.

### AGREEMENT WITH THE NON-PENSIONABLE EMPLOYEES ON THE NORTH WESTERN RAILWAY.

1299. **\*Khan Bahadur W. M. Hussanally:** (a) Is it a fact that on the North Western Railway an agreement is taken from every employee on the non-pensionable list that he agrees to be discharged at any time with one month's notice or one month's pay in lieu thereof?

(b) If so, how many men have been discharged under this agreement during the last 3 years?

(c) What was the total service of each of these men?

(d) Are such men given a charge sheet against them, and their explanation obtained before their discharge? If not, why not?

(e) While discharging such men, is their long service taken into consideration, as also the fact that such men, who have put in long service, cannot obtain any other service late in life?

(f) Do Government propose to do away with this clause in future and not act upon the same in the case of men who have already executed it?

**The Honourable Sir Charles Innes:** (a) Yes. All non-pensionable State Railway subordinate employes recruited in India are required to sign an agreement which provides for a month's notice of resignation or discharge on either side or for pay in lieu of notice of discharge.

(b) and (c). Government have no information.

(d) and (e). Men are generally aware of the reasons of their discharge and the length of their service is taken into consideration.

(f) No.

#### LOSS INCURRED ON COAL PURCHASED FOR THE STATE RAILWAYS.

1300. **\*Mr. Gaya Prasad Singh:** (a) Has the attention of the Government been drawn to an article published in the *Servant* newspaper, dated the 22nd February, 1926, in which it is stated that:

(i) Teetulmari and Mudidih coals have been bought at Rs. 5 by the Railway Board, while similar coals which were offered at Rs. 4 and Rs. 4-4 had not been accepted?

(ii) Jambad and Faridpur coals have been bought at Rs. 4-11 and Rs. 5, while similar coals were offered at Rs. 4?

(iii) Kusunda and Nayadee coals have been bought in large quantities at Rs. 3-12, while similar coals were offered at Rs. 3?

(b) Is it a fact that the purchase of coal as made by the Chief Mining Engineer has entailed a loss of more than Rs. 15 lakhs on the public exchequer?

(c) Will the Government be pleased to lay on the table a detailed list of all tenders received by them, giving the quantities, qualities and prices quoted in the offers for the supply of coal to the State Railways referred to in (a) above?

**The Honourable Sir Charles Innes:** As regards (a) and (b), the Honourable Member is referred to the reply given on 15th March, 1926 to questions Nos. 1271 and 1272 of Sir Hari Singh Gour and, as regards (c), to the reply given on 15th February, 1926 to Mr. Neogy's question No. 153 on the same subject.

#### PAY OF THE TEACHERS OF THE ANGLO-VERNACULAR SECONDARY SCHOOLS IN AJMER-MERWARA.

1301. **\*Rai Sahib M. Harbilas Sarda:** (a) Is it a fact that the teachers of the Anglo-vernacular secondary schools in Ajmer-Merwara have to do the same work as those in the United Provinces of Agra and Oudh?



(b) Is it a fact that the Government High School, Ajmer, compares very favourably with the best Government High Schools in the United Provinces in the matter of Matriculation and "High School" Examination results and that it topped the list in the High School Examination of 1925?

(c) Is it a fact that the pay and prospects of the Government Anglo-vernacular secondary school teachers in Ajmer-Merwara are low compared with those of their compeers in the United Provinces? If so, will the Government be pleased to give reasons for this disparity?

(d) Is it a fact that the Members of the Medical, the Police, the Engineering, and the Forest services in Ajmer-Merwara draw the same scale of pay as those in the United Provinces?

(e) Is it a fact that the teachers of the Anglo-vernacular secondary schools in Ajmer-Merwara have long been representing their case to their higher officers for the time scale of pay similar to that in the United Provinces?

(f) Is it also a fact that the time scale of pay is about to be or has been sanctioned for the Ajmer Government College staff only, and not for the staff of the Anglo-vernacular secondary schools in Ajmer-Merwara?

(g) Do Government propose to consider the case of the Anglo-vernacular secondary school teachers in Ajmer-Merwara and give them the benefit of the time scale of pay of the United Provinces?

**Mr. J. W. Bhoré:** (a) Yes.

(b) Yes.

(c) The rates of pay of the Government Anglo-vernacular secondary school teachers in Ajmer-Merwara are in many cases lower than those of their compeers in the United Provinces. The rates of pay are fixed with reference to Ajmer-Merwara and not with reference to the United Provinces.

(d) No. The scales of pay differ in some instances.

(e) The teachers employed in the Government Anglo-vernacular secondary schools in Ajmer-Merwara have asked before now for a time scale of pay similar to that in the United Provinces.

(f) A revised scale of pay has been sanctioned for the staff of the Government College, Ajmer. The pay of the staff of the Government Anglo-vernacular secondary schools in Ajmer-Merwara was last revised with effect from 1st March 1921.

(g) Government are not prepared to accept for the teachers of the Government Anglo-vernacular secondary schools in Ajmer-Merwara the time scale of pay in force in the United Provinces.

#### APPOINTMENT OF AN OUTSIDER FROM ALIGARH TO THE GOVERNMENT NORMAL SCHOOL, AJMER.

1802. **\*Rai Sahib M. Harbilas Sarda:** (a) Is it a fact that the Head Master, Government Normal School, Ajmer has been placed on the retired list?

(b) Are Government aware that the rules and regulations for appointments to the Provincial and Subordinate services in all provinces require a qualification of minimum residence in the Province and will the Government be pleased to state whether these rules have been observed in making recent appointments in the Education Department of Ajmer and Merwara?

(c) Are Government aware that there are many experienced and trained teachers of long standing in the Government High School, Ajmer?

(d) Are Government aware that the field and prospects of the Anglo-vernacular secondary school teachers in Ajmer-Merwara are already limited?

(e) Are Government aware that the appointment of an outsider from Aligarh to the Government Normal School has caused great disappointment and discontent among the officers of the Government?

**Mr. J. W. Bhore:** (a) Yes.

(b) The answer to the first part is "no", the second part does not therefore arise.

(c) Yes.

(d) Yes.

(e) No.

#### OVERBRIDGES AT SIMULTALA AND MADHUPUR STATIONS ON THE EAST INDIAN RAILWAY.

1303. **\*Mr. S. C. Ghose:** 1. Will the Honourable Member in charge of Railways kindly state if it is a fact that:

(a) there is no overbridge at Simultala station of the East Indian Railway?

(b) the overbridge at Madhupur station of the above Railway does not extend over a goods siding on the north side of the station premises and that people having occasion to go to the station have to creep under the wagons when there is a train standing?

(c) a large number of passengers use the trains from the above stations and consequently there is always risk to life?

2. (a) If the answers to the above questions be in the affirmative will the Honourable Member kindly state if there is any proposal to remedy the above shortcomings?

(b) If not, why not?

**The Honourable Sir Charles Innes:** Government have no information and would suggest that the matter may be referred to the Agent through the Local Advisory Committee.

#### SALARY DRAWN BY MR. R. EWBANK WHILE ACTING AS PRIVATE SECRETARY TO H. E. LORD READING IN ENGLAND.

1304. **\*Mr. S. C. Ghose:** 1. Will the Government state what was the salary drawn by Mr. R. Ewbank while he acted as Private Secretary to His Excellency Lord Reading in England?

2. Will the Government state who was the special officer appointed in connection with the Southborough Committee in place of Mr. Ewbank while Mr. Ewbank acted as Private Secretary to His Excellency Lord Reading?

**The Honourable Sir Alexander Muddiman:** (1) The salary drawn by Mr. R. Ewbank while he acted as Private Secretary to His Excellency Lord Reading in England was 2/3rds of his Indian pay *plus* a compensatory allowance of 16s. 8d. a day in England. This rate was the same as he drew while on deputation in connection with the Southborough Committee

(2) No special officer was appointed in place of Mr. R. Ewbank, while he acted as Private Secretary to His Excellency Lord Reading, as the Southborough Committee discontinued its meetings pending the receipt and consideration of the Report of the East Africa Commission.

SALE OF THE BARRACKS AND PARADE GROUNDS AT BARRACKPORE TO  
THE ROYAL CALCUTTA TURF CLUB.

1305. **\*Mr. S. C. Ghose:** 1. Will the Government state if Indian troops that have been permanently stationed at Barrackpore have been withdrawn?

2. If the answer is in the affirmative will the Government state the reasons for such withdrawal?

3. Will the Government state if the barracks occupied by the Indian soldiers and their parade grounds have all been sold by the Government of India to the Calcutta Turf Club for the purpose of conversion into a Race-course?

**Mr. E. Burdon:** (a) and (b). Since early in 1921, no Indian combatant units have been located at Barrackpore. The change was part of the general redistribution of troops in India after the War.

(c) The former Indian troops lines and the parade grounds have been sold to the Royal Calcutta Turf Club. In this connexion, I would invite the attention of the Honourable Member to the reply given on the 14th February, 1924 to starred question No. 308.

EXTENSION OF THE RIGHT TO RETIRE ON PROPORTIONATE PENSION TO  
OFFICERS OF THE PROVINCIAL SERVICES.

1306. **\*Mr. S. C. Ghose:** 1. With reference to the reply given some months ago in the House of Commons by Earl Winterton to Sir Charles Oman, will the Government state why they intend to consider the cases of individual members of the Provincial Services in respect of retirement on proportionate pension?

2. Will the Government state the names of the members of the Provincial Services who have asked for permission to retire on proportionate pension?

**The Honourable Sir Alexander Muddiman:** I have been unable to trace the particular question and answer to which the Honourable Member refers. Owing to the proposal to delegate complete control over Provincial Services to Local Governments the position of members of those services, including the extension to them of the right to retire prematurely, has had to be examined. I am not prepared to give the names of any members of those services who have asked for permission to retire prematurely.

REQUEST TO THE ROCKFELLER FOUNDATION FOR A GRANT TO THE MEDICAL  
DEPARTMENT OF THE DELHI UNIVERSITY.

1307. **\*Mr. S. C. Ghose:** 1. Are Government aware as reported in the *London Times* a few months ago that the Rockefeller Foundation had presented about £44,000 to the Council of King Edward the Seventh College of Medicine at Singapore for the endowment of chairs of Bacteriology and Biochemistry on condition that the Government founds an extra chair of Biology and maintained the three departments?

2. Do Government propose to approach the Rockefeller Foundation for a grant to the Medical Department of the Delhi University?

**Mr. J. W. Bhore:** 1. No.

2. As the Delhi University has no Medical Department the question does not arise.

#### INTEREST OF THE MILITARY AUTHORITIES IN THE CALCUTTA MAIDAN.

1808. **\*Mr. S. C. Ghose:** 1. Will the Government state if the maidan in Calcutta including that portion adjoining St. Paul's Cathedral is in the possession of the Government of India military authorities?

2. If the answer is in the affirmative, will the Government state if the military authorities have delegated their power to the Commissioner of Police, Calcutta, to issue orders and notifications relating to the control of the maidan?

**Mr. E. Burdon:** 1 and 2. The Calcutta maidan is the property of the Crown and the Government of Bengal exercise certain powers of control over it under authority derived from the Government of India. My Honourable friend is correct in his conjecture that the military authorities have a certain interest in the maidan.

#### RECOMMENDATIONS OF THE DECK PASSENGERS' COMMITTEE.

1809. **\*Mr. S. C. Ghose:** 1. Will the Government state how long the recommendations of the Deck Passengers' Committee will be under consideration?

2. Will the Government state if it is a fact that the real reason why the recommendations are not being accepted is because they will involve expense to certain British Companies which have a monopoly of the deck passenger traffic?

**The Honourable Sir Charles Innes:** 1. As stated in the answer given on the 27th August, 1925 to a question on this subject by Diwan Bahadur M. Ramachandra Rao, notifications giving effect to most of the recommendations of the Deck Passengers Committee were published in May, June and July last, for public criticism. Suggestions as regards some of these notifications are now being received and final orders will issue after these criticisms have been considered.

2. The Honourable Member will see that it is proposed to accept most of the recommendations.

**Mr. K. Ahmed:** What was the reason that the Government did not think proper so long to take steps according to the recommendations of the Committee?

**The Honourable Sir Charles Innes:** If the Honourable Member had read the Report he would understand that it raises some very difficult questions

**Mr. K. Ahmed:** But such a long time is over now and the Department is sitting tight. Are the Government playing the same tricks with the Mercantile Marine Committee's Report? What steps do Government propose to take to expedite the matter?

**The Honourable Sir Charles Innes:** I will refer the Honourable Member to my answer.

**BILL RECENTLY PASSED BY THE SENATE OF THE COMMONWEALTH OF AUSTRALIA ENFRANCHISING INDIANS IN AUSTRALIA.**

1310. **\*Mr. S. C. Ghose:** Will the Government state the provisions of the Bill recently passed by the Senate of the Commonwealth of Australia giving natives of India who are resident in Australia electoral rights of citizenship?

**Mr. J. W. Bhore:** A copy of the Commonwealth Electoral Act No. 20 of 1925 has been placed in the Library of the House.

**PUBLICATION OF THE REPORT OF THE FIJI DEPUTATION.**

1311. **\*Mr. S. C. Ghose:** 1. With reference to the answer given by Earl Winterton in the House of Commons, will the Government state what connection the proposals made by the Colonial Office have with the publication of the Report submitted by the Government of India deputation to Fiji?

2. Will the Government please state the reasons why the Report has not been published for many years?

**Mr. J. W. Bhore:** 1 and 2 I presume the Honourable Member refers to the reply given by the Under Secretary of State for India to Mr. Scurr's question No. 4, dated the 30th March, 1925. The proposals of the Colonial Office referred to therein are a reply to the representations made to the Secretary of State for the Colonies by the Colonies Committee of the Government of India in regard to the more important recommendations contained in the Report of the Fiji deputation and these are still the subject of discussion. Pending the conclusion of the negotiations, no decision can be arrived at regarding the publication of the Fiji Deputation's Report.

**NUMBER OF INDIANS EMPLOYED IN THE WIRELESS BRANCH OF THE POSTS AND TELEGRAPHS DEPARTMENT.**

1312. **\*Mr. S. C. Ghose:** 1 Will the Government state if there are any native Indians employed in the wireless branch of the Posts and Telegraphs Department on a salary of over Rs. 200 a month?

2. If the answer is in the affirmative, will the Government state the number of native Indians so employed and the salaries drawn by them?

**Mr. H. A. Sams:** 1 Yes.

(2) One on Rs. 525 per mensem

One on Rs. 390.

One on Rs. 350

One on Rs. 216.

Six on Rs. 206 each per mensem.

**REVERSION OF OFFICERS FROM PROPORTIONATE TO ORDINARY PENSION.**

1313. **\*Mr. S. C. Ghose:** 1. Will the Government state if it is a fact that officers of the superior services who had retired on proportionate pension after the 31st March, 1924, would be allowed to revert to an ordinary pension if the rates of the ordinary pension were more favourable?

2. If the answer is in the affirmative, will the Government state what would be the extra burden imposed on the Indian tax-payer by reason of this additional concession?

**The Honourable Sir Alexander Muddiman:** The decision to allow officers who retired under the Premature Retirement Rules after 1st April, 1924, to revert to ordinary pension, if they so desired, was publicly announced in a communiqué, dated 4th May, 1925. The number of officers who have availed themselves of this concession is very small and the extra cost is therefore trifling. Exact figures are not available at present but if the Honourable Member wishes me to obtain them, I shall endeavour to do so.

#### USE OF THE WORD "ROYAL" BY CLUBS, INSTITUTIONS, SCHOOLS OF MUSIC, ETC.

1814. **\*Mr. S. C. Ghose:** Will the Government please state if there are any restrictions as regards the use of the word "Royal" by clubs, institutions, schools of music and dancing academies?

**The Honourable Sir Alexander Muddiman:** Yes. His Majesty's sanction to the use of the prefix is necessary.

#### OFFICIAL MEMBERS OF THE LEGISLATIVE ASSEMBLY HOLDING SUBSTANTIVE APPOINTMENTS UNDER THEIR RESPECTIVE GOVERNMENTS.

1815. **\*Mr. S. C. Ghose:** Will the Government state how many officials have been nominated to the Legislative Assembly who do not hold substantive appointments?

**Mr. L. Graham:** It is understood that the question refers to official nominees from the provincial Governments. It is believed that all of them hold substantive appointments under their respective Governments.

#### PREVENTION OF THE PRACTICE OF ADMINISTERING OPIUM TO CHILDREN.

1816. **\*Mr. S. C. Ghose:** With reference to the answer given by Earl Winterton in the House of Commons some months ago about the drugging of children by opium, will the Government state what steps have been taken to remedy the existing disgraceful state of affairs?

**The Honourable Sir Basil Blackett:** The replies of the Local Governments who were consulted some time ago in regard to the practice of administering opium to children have been received, and are now being considered by the Government of India.

#### SPREAD OF EDUCATION IN INDIA.

1817. **\*Mr. S. C. Ghose:** 1. Has the attention of the Government been drawn to the speech of Dr. Hartog, Vice-Chancellor of the Dacca University reported in the *London Times* of the 19th June, 1925, in which he stated that in 1921 the London County Council spent on the education of some 4½ million people about £11,000,000 sterling and that the total expenditure on education in British India with its 247 million people was scarcely higher?

2. Will the Government please state what steps they intend to take to spread education in India further?

**Mr. J. W. Bhore:** 1. Yes.

2. The Government of India are directly responsible only for education in certain minor administrations such as the North West Frontier Province and Delhi. A general survey of the educational requirements of these territories is now being undertaken with a view to the drawing up of a five-year programme of expansion. For further information the Honourable Member is directed to the reports of the provincial Education Departments.

INCONVENIENCES SUFFERED BY PASSENGERS AT BOINCHEE STATION ON THE EAST INDIAN RAILWAY.

1318. **\*Mr. S. C. Ghose:** 1. Has the attention of the Government been drawn to the letter written by Babu Pramatha Nath Ghose in the *Amrita Bazar Patrika* of the 27th June, 1925, about the inconveniences suffered by passengers at Boinchee station on the East Indian Railway?

2. Do Government propose to take steps to remedy these grievances?

**The Honourable Sir Charles Innes:** 1. and 2. The Honourable Member refers to a letter which appeared in the public Press nearly 9 months ago and I have not been able to obtain a copy of it.

MALARIA MORTALITY IN INDIA.

1319. **\*Mr. S. C. Ghose:** Has the attention of the Government been drawn to the statement made by Earl Winterton some months ago in the House of Commons that during the five years which ended with 1922, about 30 million people had died in India of fever a large proportion of deaths being due to malaria?

**Mr. J. W. Bhore:** Yes.

ACTION TAKEN ON THE REPORT SUBMITTED BY KUNWAR MAHARAJ SINGH ON THE CONDITION OF INDIAN LABOURERS IN MAURITIUS.

1320. **\*Mr. S. C. Ghose:** Will the Government state what steps have been taken on the report submitted by Kunwar Maharaj Singh on the condition of Indian labourers in Mauritius?

**Mr. J. W. Bhore:** As I have already informed the House in reply to Khan Bahadur Sarfaraz Hussain Khan's question No. 32, the various recommendations made in Kunwar Maharaj Singh's report were commended to the consideration of the Colonial Government. The reply of the Colonial Government has only just been received and is at present under consideration.

**Mr. K. Ahmed:** How long will the Government take to consider the matter, so that this House may be in a position to know for the benefit of the country their attitude in this matter?

**Mr. J. W. Bhore:** I cannot tell the Honourable Member how long it will take.

## THE PROPOSED SHIMOGA-BHATKAL RAILWAY.

1821. **\*Mr. Mahmood Schamnad Sahib Bahadur:** Will the Government be pleased to state the result of the negotiations (or discussions) with the Mysore Government regarding the proposed Shimoga-Bhatkal Railway?

**The Honourable Sir Charles Innes:** I can add nothing to the reply I gave to the Honourable Member on the 14th February 1924.

## CESSION OF THE RIGHTS OF THE ALI RAJAHS OF CANNANORE IN THE LACCADIVE ISLANDS.

1822. **\*Mr. Mahmood Schamnad Sahib Bahadur:** 1. Is it a fact that the Laccadive islands were sequestered from their rightful owners, the Ali Rajah of Cannanore on account of arrears of tribute, on condition of rendering accounts annually to the Ruling Rajah and restoring them to the Rajah after the arrears were cleared?

2. (a) Is it a fact that after a time no accounts were rendered at all?

(b) Is it a fact that on the representation of the Ali Rajahs, the Home Government or the Government of India ordered the restoration of the islands?

(c) If so, why were they not restored?

(d) Is it true that after some time the Madras Government got the senior Rajah and some members of his family to sign a document giving up their rights in these islands in return for an annual malikhana of Rs. 23,000?

(e) Is it true that the second Rajah did not sign this document?

(f) Will the Government be pleased to state the full terms of this document and place the same on the table?

**Sir Denys Bray:** 1. and 2. (a) and (b). No, Sir.

(c) Does not arise.

(d) and (f). The document is laid on the table.

(e) The document was signed by the head of the family. The signature of the junior members was not required.

For further details I would refer the Honourable Member to the narrative at pages 180-183 in Volume X of Aitchison's Treaties as supplemented by the document now laid on the table.

*Articles of Agreement entered into between Adi Raja Imbichu Bibi of Cannanore, Malabar District in the Presidency of Madras in the Empire of India of the one part and the Governor in Council of Fort Saint George acting in pursuance of express orders from the Governor-General of India in Council of the other part.*

Whereas in pursuance of an order of the Government of Madras, No. 417-Political, dated the 18th July 1905, the Collector of Malabar by his letter dated the 18th October 1905 made the following offer on behalf of the Government of India to M. R. Ry. Adi Raj Muhammad Ali Raja Avergal of Cannanore, Malabar District, viz., that on condition that the said Muhammad Ali Raja ceded absolutely on behalf of himself his heirs and successors all claims and right whatsoever whether as sovereign or jenmi in and over the Laccadive Islands :—

(i) all arrears of peshkash due by the Adi Raja under the Karar referred to in Article 3 (a) below would be remitted;

(ii) the payment of the Amindivi compensation referred to in Article 2 below would cease;



- (iii) the Government would pay to Adi Raja and to his heirs and successors a malikhana of Rs. 23,000 per annum in equal monthly instalments—one half being paid to him during his life and after his death to the head of the family for the time being as a personal grant for the maintenance of his position and dignity and the other half being paid to him and to his heirs and successors as heads of the family;
- (iv) the Adi Raja and his heirs and successors would be allowed to hold free of all peshkash or assessment those lands on the mainland at Cannanore which were then held under the Karar and in respect of which the Adi Raja had been registered as jenmi during the settlement operations being in area about 1,419½ acres;
- (v) the title of "Sultan" without any territorial addition would be conferred on the Raja and his heirs and successors as a hereditary distinction;
- (vi) the Raja and his heirs and successors would be exempted under section 641 of the Civil Procedure Code from personal attendance in Court:

And Whereas the above offer was accepted by the Adi Raja by his letter to the Collector of Malabar, dated the 17th November 1905, in the following words "in reply to your letter No. Ref. on C.29, Confidential 1905, dated the 18th October 1905, informing me of the recent offer of the Government of India in *re* Laccadive Islands, I have the honour to inform you that I am willing to accept the offer contained in your letter and to cede absolutely on behalf of myself, my heirs and successors all claims and rights whatsoever as sovereign or as jenmi in and over the Laccadive Islands subject to the terms and conditions contained in your letter under reply;" And Whereas the said Muhammad Ali Raja died on the 5th September 1907, before a formal deed of cession could be executed by him in pursuance of the agreement concluded by the offer and acceptance hereinbefore recited; And Whereas the said Adi Raja Imbichi Bibi succeeded the said Muhammad Ali Raja as the head of the family of the Raja of Cannanore; And Whereas the said Adi Raja Imbichi Bibi recognizes the validity of the agreement concluded between the late Muhammad Ali Raja and the Government of India and her obligation to carry out the same by the execution of a formal deed of cession and is desirous of doing so and thereby securing for herself, her heirs and successors, the benefits of the said agreement:

Now it is hereby agreed and declared as follows:—

*Article 1.*

The said Adi Raja Imbichi Bibi on behalf of herself, her heirs and successors here by cedes and makes over in full sovereignty and in perpetuity to His Majesty the Emperor of India to form part of His Majesty's Indian dominions as from the first day of July 1905, the lands and territories inclusive of Pandaram lands comprising the Laccadive Island and Minicoy Island more particularly described in Schedule A hereunder written and all claims therein possessed by or belonging to the said Adi Raja Imbichi Bibi as sovereign of the said Islands.

*Article 2.*

The said Adi Raja Imbichi Bibi on behalf of herself, her heirs and successors hereby waives and surrenders all past present and future claims if any in respect of the abatement which as a matter of grace was made in the revenue payable to the British Government by the predecessor of the said Adi Raja Imbichi Bibi as compensation for the renunciation by such predecessor of any claim to "the Amini group" of islands.

*Article 3.*

In consideration of the cession and surrender contained in the above articles the Governor in Council of Fort Saint George makes the following concessions in favour of Adi Raja Imbichi Bibi, her heirs and successors:—

- (a) That all arrears of peshkash now due under the Karar dated 28th October 1796 executed by Booby Bulia, a predecessor of the said Adi Raja Imbichi Bibi, in favour of the Honourable the East India Company are hereby remitted.
- (b) That the lands situated at and near Cannanore referred to in such Karar which now stand registered in the name of the said M. R. Ry. Muhammad Ali Raja Avergal as the jenmi thereof and which lands are more particularly described in Schedule B hereunder written shall so long as such lands are

held by the said Adi Raja Imbichi Bibi or by the Karnavan for the time being of the family of the said Adi Raja Imbichi Bibi be free from any land revenue payable to the British Government, but shall not be free from liability to pay any cess that may be payable therefor under any enactment for the time being in force.

- (c) That the said Adi Raja Imbichi Bibi or other the Karnavan for the time being of the family of the said Adi Raja Imbichi Bibi shall be paid from the public treasury a pension of Rs. 23,000 per annum commencing from the 1st Day of July 1905 and payable by equal monthly instalments of Rs. 1,916-12-0 on the fifteenth day of every month of which monthly payments one-half shall be considered a personal grant to such Karnavan for the maintenance of his or her position and dignity and the other half shall be received by such Karnavan for the use and benefit of such family.

The foregoing articles of agreement shall be subject to the ratification or rejection of the Governor-General of India in Council.

Signed this 15th day of November 1908 by Adi Raja Imbichi Bibi in the presence of :

ADI RAJA IMBICHI BIBI,

W. Francis, Acting Collector of Malabar.

*Rangal Avergal,*

J. C. Nunyanakeng, Government Pleader, N. Malabar.

*Cannanore.*

Th. Mallhui, Acting Tahsildar of Chirakkal.

Signed by Charles James Weir, the Chief Secretary to the Government of Madras, this 5th day of December 1908.

C. J. WEIR.

Ratified by the Governor-General of India in Council at Fort William in Bengal this 5th day of February 1909.

S. H. BUTLER,

*Secretary to the Government of India,*

*Foreign Department.*

**Mr. K. Ahmed:** In view of the fact that there is a defective title, so far as the Laccadive Islands are concerned, is it desirable to spend money without having any chance of recovery from the Islands?

**Sir Denys Bray:** The premises are incorrect; the rest of the question I do not understand.

**Mr. K. Ahmed:** Is my Honourable friend, the Foreign Secretary aware that the Home Member only last week or the week before, when a discussion under Demand No. 28 was brought forward by my Honourable friend Mr. Mahmood Schamnad Sahib Bahadur made certain statements, and does it not appear from those statements that squandering money on the Laccadive Islands will be futile because of defective title?

**The Honourable Sir Alexander Muddiman:** There appears to be some geographical confusion in the Honourable Member's mind.

**Mr. K. Ahmed:** But is it not the opinion of this Assembly on that statement that hope deferred maketh the heart sick? (Laughter.)

RESURVEY OF THE PROPOSED MANGALORE-HASAN RAILWAY.

1823. **\*Mr. Mahmood Schamnad Sahib Bahadur:** (a) Will the Government be pleased to state whether the resurvey of the proposed Mangalore-Hasan Railway has been ordered?

(b) If not, do they propose to sanction the same?

**The Honourable Sir Charles Innes:** (a) and (b). The reply is in the negative. In fact the proposal for constructing the line is itself in abeyance, as an examination of the project prepared in 1917 showed that its financial prospects do not justify its construction at present.

CONSTRUCTION OF THE TELlichERRY-NANJONGUD RAILWAY.

1824. **\*Mr. Mahmood Schamnad Sahib Bahadur:** (a) Will the Government be pleased to state whether the Tellicherry-Nanjongud line has been sanctioned?

(b) If so, when will the construction be taken in hand?

(c) If not, will the construction of this line be sanctioned at all?

**The Honourable Sir Charles Innes:** (a) No.

(b) Does not arise

(c) A line from Tellicherry *via* Manantoddy to Virajpet was surveyed in 1924, its construction, however, was not considered financially justifiable. The question of railway projects in this area is still under consideration

SUPPLY OF COAL TO TROOPSHIPS AND TRANSPORTS.

1825. **\*Khan Bahadur W. M. Hussanally:** With reference to the answer to starred question No. 1099 given on the 8th instant:

(1) Is it a fact that in spite of this unsatisfactory supply, the contractor has been allowed to make further supplies for Government troopships and transports?

(2) If so, will Government be pleased to state the reasons which induced them to place further orders with the firm with such an unsatisfactory record?

(3) Will Government be pleased to state whether they propose to issue instructions to the Department concerned invariably to invite tenders for their future requirements?

**Mr. E. Burdon:** (1)—(3). Sir, it appears to me that my Honourable friend, before giving notice of his present question, cannot have studied in detail the reply which I gave to his previous question, No. 1099. From the facts given in that reply, it is clear that the firm in question cannot be said to have an unsatisfactory record. I stated also that at the ports to which my Honourable friend's previous question referred, tenders are already invited for the supply of coal to troopships, etc. Accordingly, my Honourable friend's present question does not really arise. The contractor to whom he referred has been allowed to make further supplies to Government, there being no reason why he should not be allowed to do so.

## UNSTARRED QUESTIONS AND ANSWERS.

### 'REPORT OF THE REGIMENTAL OFFICERS WHO ATTENDED MEETINGS HELD IN SIMLA IN SEPTEMBER, 1925, IN CONNECTION WITH THE ARMY CANTEEN BOARD (INDIA).

234. **Khan Bahadur W. M. Hussanally:** Will the Government be pleased to lay on the table the reports of the regimental officers who attended a meeting or meetings held at Simla in the month of September, 1925, in connection with the Army Canteen Board and to state whether the opinion of the majority of the officers was in favour or against the organization? What action do the Government propose to take on their report?

**Mr. E. Burdon:** The attention of the Honourable Member is invited to the reply given on the 21st January, 1926, to parts (b) and (c) of starred question No. 91 and to the reply given on the 15th instant to starred question No. 1242. The Government of India are at present considering what their future policy will be as regards the Army Canteen Board (India) with reference to the report of the Committee of Inquiry appointed by Government and with reference to all other available information.

### APPOINTMENT OF A MUHAMMADAN AS DEPUTY OR ASSISTANT AUDITOR GENERAL.

235. **Haji Wajihuddin:** Will the Honourable the Finance Member be pleased to state whether it is a fact that no Muhammadan officer has ever been appointed as Deputy or Assistant Auditor General?

**The Honourable Sir Basil Blackett:** The reply is in the affirmative.

### MUHAMMADAN ASSISTANT ACCOUNTS OFFICER OR PAY AND ACCOUNTS OFFICER IN ANY ACCOUNT AND AUDIT OFFICE AT DELHI.

236. **Haji Wajihuddin:** (a) Is it a fact that there is no Muhammadan Assistant Accounts Officer or Pay and Accounts Officer in any Account and Audit Office at Delhi?

(b) If the answer is in the affirmative, will the Honourable the Finance Member be pleased to lay on the table a copy of the rules governing the selection of Government servants to fill up those appointments?

**The Honourable Sir Basil Blackett:** (a) Yes.

(b) A copy of Article 61 of the Audit Code is placed on the table.

### COPY OF ARTICLE 61, AUDIT CODE.

61. Promotions of members of the Subordinate Accounts Service in vacancies amongst Assistant Accounts Officers, other than those caused by absence on leave, are made by the Auditor General. Promotions will, as a general rule, be made by selection from among Senior Accountants. Though due weight will be given to seniority in deciding the claims of subordinates whose qualifications are approximately equal, and to the claims of men in the office in which a vacancy occurs, neither consideration *per se* will be the deciding factor. If in any office there is no subordinate who is considered fully qualified for promotion, the Auditor General may arrange for the promotion of a suitable man from another office.

MUHAMMADANS IN THE SUBORDINATE ACCOUNTS SERVICE IN THE MAIN  
OFFICE OF THE AUDITOR GENERAL.

237. **Haji Wajihuddin:** Is it a fact that there is no Muhammadan in the Subordinate Accounts Service in the main office of the Auditor General?

**The Honourable Sir Basil Blackett:** A Muhammadan probationer has recently been appointed to the Subordinate Accounts Service in the Commercial Branch, which is at present regarded as part of the main office.

DUE REPRESENTATION OF MUHAMMADANS IN THE CLERICAL ESTABLISHMENT OF THE OFFICE OF THE AUDITOR GENERAL.

238. **Haji Wajihuddin:** Is it a fact that the representation of Muhammadans in the clerical cadre of the Auditor General's Office is very inadequate? If so, what steps have been taken to give Muslims their due representation?

**The Honourable Sir Basil Blackett:** There are five Muhammadans in the total clerical establishment of 79. The instructions which have recently been issued by Government for securing the appointment of members of minority communities, including Muhammadans, will be followed.

APPOINTMENT OF MUHAMMADAN EXAMINERS FOR THE SUBORDINATE  
ACCOUNTS SERVICE EXAMINATION.

239. **Haji Wajihuddin:** Will Government be pleased to state whether any Muhammadan officer has been appointed as Examiner of any paper of the Subordinate Accounts Service Examination for the last five years? If not, why?

**The Honourable Sir Basil Blackett:** No. I would invite the attention of the Honourable Member to the reply to his unstarred question No. 213 (b), sent to him on the 14th April, 1924.

DUE REPRESENTATION OF MUSLIMS IN THE OFFICE OF THE ACCOUNTANT  
GENERAL, CENTRAL REVENUES.

240. **Haji Wajihuddin:** (a) Is it a fact that a big establishment consisting of the appointments of Assistant Accounts Officers, Subordinate Accounts Service, and clerical cadre has been sanctioned for the office of the Accountant General, Central Revenues?

(b) If the answer is in the affirmative, will Government please state what steps if any have been or are proposed to be taken to secure the due representation of the Muslim community?

**The Honourable Sir Basil Blackett:** (a) The office of the Accountant General, Central Revenues, consists of an establishment of 11 officers, including six Assistant Accounts Officers, 22 members of the Subordinate Accounts Service and 213 clerks.

(b) I would invite the attention of the Honourable Member to the reply given to his question No. 238.

**MUHAMMADAN REPRESENTATION IN THE SEVERAL ACCOUNTS AND AUDIT  
OFFICES UNDER THE AUDITOR GENERAL.**

241 **Haji Wajihuddin:** (a) Is it a fact that heavy reduction of establishment is under contemplation in several Accounts and Audit Offices under the Auditor General?

(b) If the reply is in the affirmative, are Government prepared to take this opportunity of adjusting the representation of Muhammadans by retaining them in service?

**SAFEGUARDING OF THE INTERESTS OF MUHAMMADANS IN THE OFFICE  
OF THE DEPUTY ACCOUNTANT GENERAL, POSTS AND TELEGRAPHS.**

242. **Haji Wajihuddin:** Will the Honourable the Finance Member be pleased to furnish the information asked for in the following sub-clauses in respect of the Office of the Deputy Accountant General, Posts and Telegraphs, Delhi?

- (a) Are Government aware of the fact that there is no Muhammadan in the gazetted officers' grade as well as in the Subordinate Accounts Service?
- (b) Is it a fact that Muhammadans have had to go through various hardships in securing an appointment in the clerical cadre and retaining it owing to lack of their representation in the higher services?
- (c) Is it a fact that the post of the Head Clerk of the Record Department, now called Superintendent, Record, carrying a duty allowance, is filled up by a junior Hindu clerk while there are several senior Muhammadan clerks with better qualifications?
- (d) Is it a fact that the number of the Muhammadan clerks in the upper and lower divisions has been reduced by about one-third during the last three years?
- (e) If the answers to the above questions are in the affirmative, will the Honourable the Finance Member be pleased to state what steps, if any, have been or will be taken to safeguard the interests of the Muslim community in that office?

**The Honourable Sir Basil Blackett:** An inquiry is being made from the Auditor General and its result will be communicated to the Honourable Member as soon as a reply is received from him.

**MESSAGE FROM HIS EXCELLENCY THE GOVERNOR GENERAL.**

**Mr. President:** I have received the following Message from His Excellency the Governor General:

(The Message was received by the Members standing.)

*"In pursuance of sub-section (3) of section 63B of the Government of India Act, I, Rufus Daniel, Earl of Reading, hereby require the attendance of the Members of the Legislative Assembly in the Assembly Chamber at Delhi at 11 o'clock on Thursday, the 25th of March, 1926."*

(54.) **READING,**  
Viceroy and Governor General."

## ELECTION OF MEMBERS TO THE PANEL OF THE STANDING COMMITTEE ON EMIGRATION.

**Mr. President:** I have to inform the Assembly that the number of candidates nominated for election to the Standing Committee on Emigration is equal to the number required, and therefore I announce that the following sixteen Members are declared to be duly elected:

Sir Hari Singh Gour.  
Rao Bahadur M. C. Naidu.  
Diwan Bahadur M. Ramachandra Rao.  
Mr. B. Venkatapatiraju.  
Mr. K. C. Neogy.  
Mr. N. M. Joshi.  
Sir Darcy Lindsay.  
Diwan Bahadur T. Rangachariar.  
Nawab Sir Sahibzada Abdul Qaiyum.  
Maulvi Abul Kasem.  
Captain Ajab Khan.  
Haji Wajihuddin.  
Dr. K. G. Lohokare.  
Mr. Abdul Haye.  
Khan Bahadur Makhdum Syed Rajan Bakhsh Shah.  
Mr. B. Das.

## STATEMENT OF BUSINESS.

**The Honourable Sir Alexander Muddiman** (Home Member): Sir, with your permission, I should like to make a statement about the probable course of business for the rest of the Session. In the event of Mr. Gaya Prasad Singh's motion in relation to South Africa not being moved, we shall, on the conclusion of the debate on the North West Frontier Resolution, proceed to Sir Sivaswamy Aiyer's Resolution on the Mercantile Marine. I do not propose to move my motion setting up Standing Committees to deal with the Bills relating to Hindu and Muhammadan law. On the conclusion of the discussion on Sir Sivaswamy Aiyer's Resolution, the business on the Agenda paper will be completed. In addition to that business there will remain a Resolution of which Mr. Bhore has given notice, dealing with the terms on which emigration shall be permitted to British Guiana. You, Sir, have given permission to that Resolution being taken at short notice and we propose to put it down for Monday, the 22nd. In the event of Mr. Gaya Prasad Singh's motion on South Africa not being moved Government have agreed and you, Sir, have given your consent, I understand, to a Resolution on the subject of South Africa being moved by my Honourable friend Mr. Jinnah. We understand that it will meet the convenience of the House if the discussion on the Resolution takes place on Wednesday, the 24th. If to-day's business is concluded to-day and if the Resolution on British Guiana is finished on Monday there will be no meeting on Tuesday the 23rd. Government do not propose to bring forward any further business after the 24th, and Members have already received intimation that His Excellency will address the Members of this House and of the Council of State on the morning of Thursday, the 25th March.

## DRAFT NOTIFICATION IN CONNECTION WITH EMIGRATION TO BRITISH GUIANA.

**Mr. J. W. Bhore** (Secretary, Department of Education, Health and Lands): Sir, I beg to lay on the table a draft notification in connection with emigration to British Guiana which has already been circulated to Honourable Members.

### DRAFT NOTIFICATION.

In exercise of the powers conferred by section 10 of the Indian Emigration Act (VII of 1922), hereinafter referred to as the Act, the Governor General in Council is pleased to issue the following notification in the form in which it has been approved by both Chambers of the Indian Legislature :

Emigration to British Guiana for the purpose of unskilled work shall be lawful with effect from such date as the Governor General in Council may with the concurrence of the Governor of British Guiana notify in the Gazette of India on the following terms and conditions, which shall thereupon become operative :—

(1) The family shall be the unit for the purposes of emigration. Not more than 500 families shall be permitted to emigrate and the number of persons included in the said 500 families shall not exceed 1,500.

(2) The emigrants shall either have been recruited by a person licensed for that purpose by and responsible to an officer (hereinafter called the Emigration Commissioner) appointed by the Government of British Guiana, or have applied direct to the Emigration Commissioner for an assisted passage and have been accepted by him.

(3) No part of the cost of his recruitment or subsistence during transport shall be recoverable from any emigrant and all expenses in this connection shall be borne by the Government of British Guiana or met from funds at their disposal.

(4) The Government of British Guiana shall, at any time when so desired by the Governor General in Council, admit and give all facilities to an Agent appointed under section 7 of the Act.

(5) If at any time there is no Agent appointed under section 7 of the Act, or if the Agent is absent or unable to perform his duties, the Government of British Guiana shall at the request of the Governor General in Council appoint a person to perform temporarily the duties of the Agent.

(6) Prior to the arrival of the emigrants a Settlement Commission shall be appointed in British Guiana to select and prepare suitable agricultural land for the emigrants and generally to supervise their employment. The Agent referred to in clause (4) shall, on appointment, be a member of such Commission.

(7) The Government of British Guiana shall offer to each family for its separate enjoyment a holding comprising not less than five acres of suitable agricultural land prepared for cultivation on the terms hereinafter set out in a locality which shall be healthy and shall have an adequate supply of good drinking water. All expenses in connection with the preparation of the holdings shall be borne by the Government of British Guiana and shall in no case be recoverable from an emigrant.

The annual rent of the holding shall be fixed by the Settlement Commission at a rate not exceeding the lowest rate paid in the locality.

After an emigrant has been in occupation of a holding for three years, he shall, provided that he has cultivated a portion of the holding either by himself or through some member of his family, be entitled to a grant of the holding on payment at any time during the ensuing four years of such fees not exceeding 24 dollars as may be fixed by the Settlement Commission.

On the expiry of seven years from the date of the commencement of his occupation of a holding an emigrant shall acquire absolute ownership in the holding provided that he has paid the rent and fees referred to in the foregoing paragraphs of this clause and has brought under cultivation either by himself or by some member of his family half the area of his holding.

(8) An emigrant on arrival in British Guiana shall be housed and maintained without charge by the Government of British Guiana for at least one month.



(9) If any emigrant so requires loans shall be made to him for maintenance, house accommodation, payment of rent and for agricultural purposes generally. Free medical assistance and free skilled supervision shall be provided.

(10) Any emigrant shall be entitled to repatriation at the expense of the Government of British Guiana to the place of his former residence in India on the expiry of 7 years from the date of his arrival in British Guiana.

Any emigrant shall be entitled to repatriation at the expense of the Government of British Guiana to the place of his former residence in India on the expiry of more than 3 and not more than 5 years from the date of his arrival in British Guiana on payment to the Government of British Guiana of half of the cost of his passage from his residence in India to British Guiana.

Any emigrant shall be entitled to repatriation at the expense of the Government of British Guiana to the place of his former residence in India on the expiry of more than 5 and not more than 7 years from the date of his arrival in British Guiana on payment to the Government of British Guiana of quarter of the cost of his passage from his residence in India to British Guiana.

(11) Notwithstanding anything contained in the last preceding clause the Government of British Guiana on the request of an Agent appointed under section 7 of the Act shall repatriate at its own expense and without any payment by or on behalf of the emigrant to the place of his former residence in India any emigrant at any time after his arrival in British Guiana.

(12) An emigrant shall be at liberty at any time after his arrival in British Guiana to take up work or employment other than or in addition to the cultivation of a holding on lease from the Settlement Commission.

(13) The ordinance enjoining compulsory education in British Guiana shall be enforced to the same extent in the case of Indian children as in the case of children belonging to other communities.

(14) Boards of arbitration in regard to wages shall be established before the arrival of the emigrants and Indians shall be adequately represented on such boards.

(15) Any Indian who has emigrated to British Guiana before the date of this notification and under any agreement in force at the date of this notification is entitled to an assisted return passage to India shall not be required to pay more than 25 per cent. of the excess in the cost of his return passage and clothing over the cost of such passages and clothing at the time of his first arrival in the colony.

(16) Any Indian who has emigrated to British Guiana before the date of this notification and has at the date of this notification become or thereafter becomes destitute shall be entitled to be repatriated to India at the expense of the Government of British Guiana without being further required to prove that he has become incapable of labour.

(17) The Government of British Guiana shall furnish such periodical reports and returns as may be required from time to time by the Government of India in respect of the welfare of the persons emigrating to the Colony in accordance with this notification.

## RESOLUTION *RE* EXTENSION OF THE REFORMS TO THE NORTH WEST FRONTIER PROVINCE—*contd.*

**Mr. President:** The Assembly will now proceed with the further discussion of the following Resolution moved by Maulvi Sayad Murtuza Sahib Bahadur on the 16th February 1926:

"This Assembly recommends to the Governor General in Council that he be pleased to extend to the North-West Frontier Province the provisions of the Government of India Act which relate to Legislative Councils and the appointment of Ministers, etc., with protection to the minorities."

**The Honourable Sir Alexander Muddiman** (Home Member): Sir, the debate in which I am now taking part has extended over three days. It was discussed the whole of one afternoon; it was discussed yesterday afternoon, and we are now resuming the debate. I think that in itself is proof positive of the importance which this House attaches to the subject matter under consideration. Sir, to me it has been a debate of absorbing interest,

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not only on account of what has been said but also on account of what has not been said. It was a great advantage that this debate commenced and continued through one long Indian afternoon as on that occasion the Benches that are now vacant were crowded. On that day twelve Members took part in the debate. Of those who spoke six were Moslems, but of the speakers not one belonged to a large group of Members in this House. Sir, I do not think it was that they were not interested; I think they were greatly interested. Their faces showed their keen and almost painful interest, but not a word fell from them. It was a triumph, if I may say so, of party control but it was not in itself helpful to the Government Benches. If the Government's sources of information were confined to the proceedings of this House, the deduction to be drawn from the debate so far as I have listened to it is that the subject is one in which the Hindus of Northern India have no interest with one notable exception. I should conclude this and indeed an uninformed spectator in the gallery could hardly fail to come to that conclusion. On the other hand, he would have come to the conclusion that it was a matter of passionate interest to the Hindus and Brahmins of Southern India. Sir, that deduction would be entirely erroneous and, despite the silence of a body of Members of this House who no longer attend our meetings, we must be cautious in supposing that deliberate suppression of strong views is a ground for neglecting their existence. The debate yesterday shows that the general trend of feeling is on communal lines. Muhammadans are supporting one view and those Hindus who have spoken are supporting another. (*An Honourable Member*: "No, not all".) With one exception I agree—it is clear that, in spite of the great efforts that were made by many speakers to speak in restrained terms—and I congratulate them and I congratulate the House on that it is clear that the division of opinion and thought is largely on the lines of communal severance. It is idle in matters of this importance not to look facts in the face. There are facts that must be looked in the face by this House and the Government must face them, and that indicates the great need that the Government must be very cautious in any action they may take.

Now, if the House will bear with me for a minute, I will examine the debate a little more closely, and I will see if I can separate out and trace some of the individual threads that made the web of the debate. I will not at this moment nor in connection with the present motion pause to examine the larger issues and implications to which the debate undoubtedly gives rise as they are not immediately germane to the matter under discussion, but I may assure the House that they have not escaped my attention; nor do I think they will escape the attention of the Government of India. I want to point out in the first instance that it is evident that many of those who have spoken with great warmth on this debate have little or no personal knowledge of the area whose future they are debating. I do not suppose that even the Mover of the motion would claim that. Their support is based on other grounds, and I think they may well be taken as saying to my Honourable friend Nawab Sir Abdul Qaiyum, the real inspirer of the motion; "By our brotherhood in Islam you called us and we came".

Now I turn to the speech of my Honourable friend the Nawab. May I in the first place congratulate him on the effective way he put forward his case. He pleaded difficulties in expressing himself. Sir, no more effective

appeal could have been made than was made by my Honourable friend the Nawab. The directness of his methods brought a breath into this House of his own grim hills; but it was the speech of a man wise in war and, if I may say so, not unversed in the wiles of the council board. (*Diwan Bahadur T. Rangachariar*: "Thanks to the Assembly!") I may restate his position in a few words. I take it, it is this: "Government say that the Reforms are a good thing. Well, we are not quite sure but we will take it at that. We know that they were largely given because of the War and of India's services in the War. My people fought and died with your people in that War as we have fought and died in wars that preceded it. We are in every way as fit for reforms as the people of any other province." Sir, here my Honourable friend made a powerful appeal, an appeal that must touch the heart of every Englishman, of every Indian; but he is on less sound ground when he himself doubts the suitability of the Reforms themselves. He, I think, in his heart of hearts, he who knows the local conditions and the local difficulties so well, is not quite so sure, as he would have us believe he is, of the applicability to his province at any rate in their full form of the terms of the Resolution which is before the House. Sir, this is not an issue on which any Member of this House ought to vote lightly. What is there behind it that moves even a man like Sir Sivaswamy Aiyer to such emotion that the rapidity of his speech was a serious obstacle to my appreciation of it? Sir, there must be something that stirs a man of my Honourable friend's judicial training and long executive experience when I felt that his emotion for a moment had mastered his presentation of the case. There are—and it is idle for this House to shut its eyes to the fact—there are reasons which we in the Government know and you in the House know, that have made Government cautious in arriving at final conclusions in this matter. We have been charged with delay in this as in many other matters. But our critics might sometimes remember that it is the Government that have to pick up the pieces after the glass has been broken. It is easy to raise an issue—it is often difficult to solve it in the way the initiator of the issue wishes. There are those to-day in this House who may well say:

"Full many a shaft at random sent  
Finds mark the archer little meant."

Now, Sir, it remains for me to state the position of the Government. My Honourable friend, Sir Denys Bray, was a signatory to the Report, and he found himself in the position in which other signatories of other reports have found themselves, and, if I may say so, he managed to protect his dual position with great skill. However, I must make it perfectly clear to the House that Sir Denys Bray, the signatory of the Report, speaks in his own capacity and not in any way representing the Government.

Now, the House is aware that Government have definitely turned down the question of the amalgamation of the North West Frontier Province with the Punjab. That itself is a position that has very definite implications which I trust will not be missed by this House. The North West Frontier Province is to remain a separate province and therefore it must move in due time and in its own way, subject to its own conditions, to its status as a complete province. The question what, and in what direction constitutional advance can be given in the North West Frontier Province has been and is under the consideration of the Government. No definite decision on that point has been arrived at and no definite decision on that point

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will be arrived at or announced till Government are satisfied that they have come to a right conclusion and that the moment for its announcement is ripe.

Therefore, the attitude of the Government towards this Resolution must be one obviously of neutrality. The Government Front Benches will not vote. Those who sit behind me may vote according to their inclination; but they must remember that in exercising their votes they should ask themselves whether they are in a position to express an opinion on the question before the House, and I would add this: There are other Members in this House who have indicated their intention of voting and I would ask them to bear in mind the same considerations that I have urged. This is not a light matter. Votes should not be given lightly; they should be given after due consideration and thought and with a knowledge that the voter has really examined the issues. Such an expression of opinion is possibly unnecessary for me to bring to the notice of the House; but I feel very strongly on the point, and therefore I venture to put it forward in all humility.

I will add that Government must and will give the fullest consideration to the views of this House as expressed in the debate and as expressed in the vote of the House. This is a question which requires for its solution all the wisdom and all the help that we can obtain from whatever quarter.

One more word, Sir, and I have done. Mr. Jinnah, in a speech which was otherwise admirable in tone and bore out his general practice of considering these questions without heat and endeavouring to separate the issues in a logical way and of generating light, not heat, Mr. Jinnah, as I say, in a speech of that character made one statement on which I must make a few observations. He quoted apparently with approval the following passage. He said:

"These Hindu organisations yet find it in their hearts to advocate a continuance of the obscurantist, mediæval principles of Government, bureaucratic high-handedness and policy of *zoolum* for which the Frontier Government has been so often criticised."

Now, Sir, those were not the words of the real inspirer of the Resolution, Nawab Sir Abdul Qaiyum, whose experience of the Frontier Province is certainly unrivalled in this House. What did the Honourable Member say in his speech? He said:

"Sir, it is not lack of confidence in the present administration that moves me to support this Resolution."

He was not prepared at any rate to endorse the views that were expressed in that extract. Now, Sir, I am not a frontier officer and therefore what I have to say is perhaps better said by me than by my Honourable colleague Sir Denys Bray, who has been intimately associated to the great benefit of the Frontier and to his own reputation with that province. Sir, I have visited the Frontier and being a man of peace have been greatly upset at the levity with which miscellaneous cutlery is produced in that province, and I have felt distinct thrills at the way fire-arms appear in the most unexpected places. (Laughter.) Sir, it is a country where life and death are very close together; and I must ask the House to bear this in mind. Whatever the advances that may be given in the future to the North-West Frontier Province, we in the heart of this country, in the heart of India, owe a debt of gratitude to that faithful

band of officers, civil and military,—British and Indian—who have often laid down their lives, and—what may even be worse for some—spent their lives in the protection of those marches of which they have been most faithful wardens. (Applause.)

**Diwan Bahadur T. Rangachariar** (Madras City: Non-Muhammadan Urban): Sir, I am glad that the Honourable the Home Member has spoken on this most important subject. Although he began in a somewhat jocular fashion, rather attaching importance to the least important part of the question, I am glad to note he has wound up with drawing the attention of the House to the magnitude of the issues involved in this proposition. I crave the indulgence of the House for the few remarks which I feel bound to make.

These issues are of a very important character. They have a political importance and an economic importance for the people of these districts numbering about two millions. They have a political, a constitutional and an economic importance for all India, and probably for the British Empire. Sir, I am afraid the attention of Honourable Members has been rather drawn to the least important part of the issue involved in the case, namely, the communal aspect which has absolutely no bearing on the issue so far as I am able to see it. (*Mr. K. Ahmed*: "Is that right?") I will not tolerate any interruption of the Honourable interrupter of this House, *Mr. Kabeer-ud-Din Ahmed*. The issue, Sir, is far too important to be treated in this jocular fashion. Sir, I say it has got also a military importance. I look at it as an Indian. I look at it from the point of view of the welfare of India, which I submit must be the predominant motive in coming to a conclusion on this subject. Sir, I bestowed anxious thought as a member of this Committee on the important issues involved in the case. Since then I have, to use the words of the Government, re-thought this question in deference to my Honourable friends who sit in front of me. I have got the greatest respect for my Moslem friends both inside and outside this House, and I have also re-thought this question in view of some decisions taken by Government on the Report of the Committee and also in view of the recent happenings in that unfortunate province. It was my duty to do so, and revolving it in my mind, I am sorry to say to the disappointment of some of the Honourable Moslem friends opposite that I have seen no reason to change my opinion which I arrived at as a member of that Committee. I consider, Sir, the proposition before the House of my Honourable friend, my family friend, *Sayad Murtuza Sahib Bahadur*, as constitutionally unsound, politically unwise, financially extravagant and likely to lead to disaster and administratively a useless proposition. (*Here Mr. K. Ahmed made a remark which was inaudible*). Has my Honourable friend *Mr. Ahmed* realised the implications of that Resolution? May I draw the Honourable Member's attention to the wording of the Resolution, for it is to that Resolution we are asked to accord our support? What is that Resolution, Sir? It is this:

"This Assembly recommends to the Governor General in Council that he be pleased to extend to the North West Frontier Province the provisions of the Government of India Act which relate to Legislative Councils and the appointment of Ministers, etc., with protection to the minorities."

**Mr. K. Ahmed** (Rajshahi Division: Muhammadan Rural): Just as you have got.

**Diwan Bahadur T. Rangachariar:** What are the provisions of the Government of India Act which relate to Legislative Councils and Ministers, etc.? Sir, Honourable Members who have read the Act will realise at once what it means. Now, the Resolution means to make it, not a Lieutenant-Governor's or Chief Commissioner's Province, but a Governor's or a Deputy Governor's Province . . . .

**Mr. K. Ahmed:** Render unto Cæsar the things which are Cæsar's.

**Diwan Bahadur T. Rangachariar:** That is really the implication of this Resolution. Do Honourable Members who accord their support realise the full import of that? Now, what does it mean? It means a Legislative Council with 80 per cent. elected Members and not more than 20 per cent. of an official element in that Council. And what does it imply again? It is a case of Government, not of administration as in the case of the Chief Commissioner. In the case of the Chief Commissioner, as Honourable Members will notice from the wording of the Act, the immediate control, the immediate government is in the hands of the Governor General in Council—"On behalf of the Governor General in Council in whom the government is vested, the Chief Commissioner administers", that is the language of the Act. If Honourable Members will carefully follow the language of the sections of the Government of India Act, they will see that in one case it is government by a Governor with the help of the Executive Council in one half, and Government by a Governor with the help of a Minister in the other half, or whatever the portion may be. That is the Resolution before the House, to which we are asked to accord our support.

Sir, in this connection I wish to draw the attention of the House to certain facts, and what may be called frontier axioms as my Honourable friend Sir Denys Bray and his colleagues of the majority would have it. If Honourable Members have done us the courtesy of reading that unfortunately voluminous Report, for we had to bring out the evidence, some of which was given in confidence, and therefore in dealing with the subject we had to be voluminous,—perhaps it was a disqualification, and I rather suspect that many an Honourable Member of this House has not done us the courtesy of reading that Report,—but if they have read that Report, what will they find? May I draw the attention of Honourable Members to certain portions, not of the minority report, but of the majority report? First of all, Sir, turning to page 8 of their Report, Honourable Members will find this proposition stated at the end of the paragraph there. After speaking of the tracts and of the districts,—Honourable Members will remember the difference between the two parts, that is, the independent tract where the tribes live, and the five districts which were once taken away from the Punjab and amalgamated with the North-West Frontier Province—it is said:

"Both were forced to admit that the districts and tracts were two inseparable parts of one organic indivisible whole."

Again, turning to page 5, Honourable Members will find another proposition stated:

"In short, there is no impassable gap or gulf, difficult to cross, between British and Independent territory; the Frontier is in reality only an arbitrary line drawn through the limits of more or less homogeneous population."

Then at page 3, Honourable Members will find what the nature of these tracts is:

"... And in the rest of the vast block of independent territory tribal law—or what we should call lawlessness—was and is the only law, and its ultimate sanction is the rifle in the hands of the individual tribesmen. The only control we could and indeed still can exercise over it is political control exercised in and through the districts or brute force exercised in the last resort by the forcible exclusion of the tribesmen . . . ."

Again, Sir, at page 9, Honourable Members will find that:

"two and half millions of the trans-frontier people are linked to the cis-frontier people by ties of blood and economic necessity."

Honourable Members will further find that this trans-frontier is a powder-magazine. This is stated at page 7.

Now what is it which happened during the last Afghan War? What do my Honourable friends who have signed the majority report say about it? This is what they say:

"There is yet another axiom to be stated, the inseparability of the various parts of the Pathan trans-frontier. If this has bulked less largely in frontier controversies, it is not because it has less validity than the inseparability of trans and cis-frontier, but simply because it has never been seriously questioned by anybody. It is transparently obvious to every frontier officer and to every reader of frontier history. To the former it is brought home by the day's routine. The latter needs no further proof than the events of 1897 when the whole trans-frontier was ablaze from Wano to Buner."

This is rather important having regard to recent history:

"or the third Afghan War which set the whole trans-frontier agog from Wano beyond the Pathan country into Chitral."

**Sir Denys Bray** (Foreign Secretary): Trans-frontier, not cis-frontier.

**Diwan Bahadur T. Rangachariar**: But it is inseparably linked together by ties of blood and economic necessity. That is my point. In fact, it has been said that it is only an arbitrary line which divides the two; there is no real dividing line. They are the same people. The Waziri across the Frontier is the Waziri inside the districts; the Afridi across the Frontier is the Afridi inside the districts, and the same is the case with reference to the other tribes.

**Nawab Sir Sahibzada Abdul Qaiyum** (North-West Frontier Province: Nominated Non-Official): What is the dividing line between your province and Coorg?

**Diwan Bahadur T. Rangachariar**: We will come to it later on. Now, if Honourable Members will refer to pages 39 and 40, they will see this is what is stated there. Sir, in paragraph 10 reference is made to what happened in 1919. I will not read the whole of it. Honourable Members will perhaps have read it.

"The policy advocated by Lord Curzon of withdrawing regular troops to cantonments in the rear and the entrusting of frontier posts to be held by the Militia did not stand the test of the wave of fanaticism which flooded the border in 1919 and at a very critical moment landed us in a very trying position."

**Mr. Abdul Haye** (East Punjab: Muhammadan): What about the Punjab in 1919?

**Diwan Bahadur T. Rangachariar:** On page 48 Honourable Members will find reference to the state of things there. This is what Colonel James, the Deputy Commissioner, said about the people just across the Frontier. He said that they

"do not deserve any consideration at all at our hands as neighbours. Hit them whenever you can, how you can, and as hard as you can."

This is what he said to the Committee. There are other passages written by an experienced officer, Mr. Ewart. I do not know if Honourable Members have perused his book, but some portions of it in Chapter V will be found very interesting reading. He is a man on the spot. He is the man in charge of the Criminal Investigation Department in those tracts. He is in actual touch with the people of the districts and of the Frontier and also with the Bolshevik movement and the Afghan movement in that direction. He gave us the benefit of his advice and if Honourable Members will read Chapter V of his book, as to how things stood in 1919, they will realise the importance of it. What is it that is recognised during the German War? We are all congratulating ourselves that the Frontier behaved all right during the German War. Who made it right, Sir?

**Sir Denys Bray:** Madras!

**Diwan Bahadur T. Rangachariar:** It is, in the words of my Honourable friend, Sir Denys Bray, that sagacious statesman who was then in charge of Afghan affairs, the Amir. But for the firm stand which he took and but for the sound advice which he gave to the tribes, does my Honourable friend think he would have reason to congratulate himself and the Government upon the affairs in the Frontier?

**Nawab Sir Sahibzada Abdul Qaiyum:** Who started trouble in 1919? Was it started on the Frontier?

**Diwan Bahadur T. Rangachariar:** I am not concerned with that. The question now before us is different. What is the tract of country with which we are asked to deal to-day? (At this stage there was an interruption from another Honourable Member) I am not going to be drawn away from my path by these interruptions. The point which I wish to make is this. Here you have a 700 mile land frontier line inhabited on both sides by tribes which are homogeneous in race, which are homogeneous in language, which are homogeneous in tribal laws, and those tribal laws I have described in the words of the majority. Sir, that being so, what is it that my Honourable friends ask? My Honourable friend Mr. Jinnah said when I interjected yesterday "Why not full responsible Government?" that he is prepared to give it. That is a question for all India to consider. It is not a question to be considered merely because our Muhammadan friends want it and we want to oblige them. If it were possible I should have been the first to do it. But in all-India interests, is it safe to isolate them like that? I do not want to deny them the privileges or the rights of citizenship. But, Sir, the question before the House is, having regard to the accepted position which my Honourable friend would not depart from, to isolate it as a small province with 22 lakhs of population and with 78 lakhs of revenue—I am going to deal with the financial aspect later—with such a small area, to give them the position of a major Local Government with an elected Council with an 80 per cent. majority of elected Members and with budget power. To do what, Sir? To administer a population of 22 lakhs, not even half of Tanjore or North Arcot. Take one district, Tanjore, which I come from. Its revenue is more than a crore and its population more than 22 lakhs.



**Mr. Mahmood Schamnad Sahib Bahadur** (West Coast and Nilgiris: Muhammadan): What is the revenue of Coorg and what is the population of Coorg?

**Diwan Bahadur T. Rangachariar**: We have nothing to do with Coorg. Coorg is not a major Local Government. Coorg does not want a Governor. Coorg does not want Ministers. The proposition before the House is to give these five districts a major Local Government with a Legislative Council and Ministers and an Executive Council Member.

**Nawab Sir Sahibzada Abdul Qaiyum**: What are you prepared to give them?

**Diwan Bahadur T. Rangachariar**: The majority recognise this at page 10. They say distinctly here:

"Whatever the differences between us otherwise, all members of the Committee are agreed that the management of external affairs must vest in the Central Government. And though as matters now stand, we conceive that the Government of India—whatever the difficulties and drawbacks inherent in such an arrangement—might still conduct transfrontier business through the medium of a major Local Government, we all recognise that the difficulties and drawbacks"

—mark the words "difficulties and drawbacks"—

"would increase with the development of the General Reforms Scheme, until with the next definite advance in that scheme, such an arrangement would become unworkable altogether. For a Central Government to entrust responsibility for the conduct of external affairs on its critical land frontier to an autonomous Local Government would be a violation of all constitutional theory and practice."

Now that is what my Honourable friend Mr. Jinnah wants. Mr. Jinnah says that to-day he is prepared to give them even full responsible Government which the majority dread and say it will be a violation of all constitutional theory and practice. They were talking of giving this over to the Punjab Government which in due course will develop into a major Local Government with provincial autonomy. The Honourable Members of the majority report recognise that it is impossible to entrust the administration of these districts to a major Local Government. This proposition asks for a major Local Government.

**Mr. Mahmood Schamnad Sahib Bahadur**: No.

**Diwan Bahadur T. Rangachariar**: The Resolution is there. I have read the words. The Government of India Act Provisions are there, and I ask the House, the intelligent Members of the House, to draw their own inference. Sir, the provisions of the Government of India Act are there. I am not going to tire the House by reading those provisions which must be obvious. They say on page 13 of their Report.

"It is therefore inexpedient—we make bold to say impossible"

—this is what the majority say, not the minority,—

"to transfer the administration of the districts from the Government of India to any major Local Government."

Sir, these are the frontier axioms. These are the accepted facts laid down by the majority. My Honourable friends want to stand by the recommendations of the majority. Let them understand what the majority have recommended and then frame their Resolution. The Resolution before the House is quite contrary to the recommendations of the majority. The majority think it impossible constitutionally, unsafe constitutionally and

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unsound and dangerous to part with the powers of the Central Government to any major Local Government. That is what I ask the House to recognise.

12 Noos. That being so, how can we lend support to a Resolution which goes against the principles accepted by the majority? (*An Honourable Member*: "Are you fit for self-government in Madras?" *Another Honourable Member*: "Certainly not." *A third Honourable Member*: "What about the Malabar Rebellion? Withdraw the Reforms from Madras.") I do not think that these passionate interruptions are going to divert me one bit from the calm reflection which I want to bestow on this question. My Honourable friends may laugh, but he laughs best who laughs last.

The financial position of the country is a matter which we cannot lose sight of. They want a major Local Government. Can they afford a major Local Government? They have to depend on the Government of India. They have to depend upon all India for their daily expenses. (*An Honourable Member*: "No.") My Honourable friend may say, "No," but mere assertions do not constitute facts. Let us closely examine the budget which we passed only the other day for this North West Frontier Province. We have budgetted for an expenditure of Rs. three crores three lakhs. What is the revenue of this province? Rs. 78 lakhs, all told—*income-tax*, opium and land revenue only Rs. 22 lakhs. A province which gets Rs. 22 lakhs land revenue wants a major Local Government! One *taluk* in my district produces more than Rs. 22 lakhs. All revenue put together comes to only Rs. 78 lakhs, and they want a major Local Government! And all India has to pay and somebody else is to order the tune. By all means we agree to pay, but are we going to part with the authority to vote that expenditure? The point is this, those who have got to pay must have a voice in controlling the expenditure; and may I say that there is more need to control this expenditure. What is the past history relating to the expenditure in this province? It has been a sink-pit for all-India revenues, and is this popular Assembly going to lose its control over the expenditure in this province? (At this stage Mr. K. Ahmed interrupted.) Sir, I must ask for the protection of the Chair against this constant interruption. I think my Honourable friend purposely interrupts. . . .

**Mr. President:** Order, order. The Chair is willing to allow interruptions to a certain limit. Honourable Members exceed that limit and invite the interference of the Chair when they inflict a continuous volley of interruptions on a speaker so as to make it almost impossible for him to continue his speech, as in this case. The Chair trusts that Honourable Members will bear these remarks in mind.

**Diwan Bahadur T. Rangachariar:** Thank you, Sir. In 1902-03, the whole expenditure including the trans-border and cis-border was only Rs. 74 lakhs and the deficit was Rs. 38 lakhs, that is, in the year this province was formed. In 1913-14, the expenditure went up to Rs. 122 lakhs and the deficit was Rs. 75 lakhs. In 1918-19, the deficit was Rs. 81 lakhs, in 1919-20, it was Rs. 107 lakhs, in 1920-21, Rs. 126 lakhs, and in 1921-22, with an expenditure of Rs. 203 lakhs the deficit was Rs. 140 lakhs. In 1926-27, we have budgetted for a deficit of Rs. 252 lakhs. The province produces Rs. 78 lakhs and we pay out of the general revenues Rs. 252 lakhs, that is to say, we make a present to them of *income-tax* Rs. 8 lakhs, we make a present to them of *excise revenue*,

opium revenue, and we make a present to them of general stamps Rs. 5 lakhs. In addition to that we find Rs. 252 lakhs out of the all-India revenues, and is this Assembly going to lose its control over that expenditure? That is what you are asked to do. You pay Rs. 252 lakhs out of your general revenues and we will go on playing the tune,—that is what the proposal is. Again I may mention that the Retrenchment Committee in 1922-23 advised the North West Frontier Province to restrict its expenditure to Rs. 241 lakhs, and what is it that the province is doing now? We are budgetting for Rs. 303 lakhs, that is, Rs. 60 lakhs more than what the Retrenchment Committee recommended should be the ordinary expenditure. Again the expenditure in certain departments, for instance, the Police, which began with Rs. 5 lakhs in 1902-03 mounted up to Rs. 17 lakhs in 1913-14, Rs. 53 lakhs in 1921-22, and in this year we are budgetting for Rs. 48 lakhs. Political expenditure is Rs. 98 lakhs. I may mention that out of the Rs. 48 lakhs Police, the internal police alone costs about Rs. 22 lakhs, excluding the frontier constabulary. I have made a calculation of what would be the trans-frontier expenses and I may mention that at once because Honourable Members would like to know what it is, as my Honourable friend, Sir Denys Bray, unwittingly, with his usual anxiety to support his recommendation, under-stated the financial burden which will accrue to the Central Government. He contemplates that the deficit will only be Rs. 20 lakhs. How does he arrive at this figure of Rs. 20 lakhs? What is it which he will allow more than I have allowed? Out of the Civil Works expenditure, roads of military importance consume Rs. 20.4 lakhs. I have also allowed for establishment charges. Out of Rs. 6.50 lakhs for establishment I have allowed Rs. 3.25 lakhs to the trans-frontier roads of military importance. Out of the total Civil Works I allow Rs. 23.65 lakhs for trans-frontier expenses. Out of the police expenses I allow Rs. 21.30 lakhs for the trans-frontier. I allow the whole of the political expenditure for the trans-frontier. As regards general administration, out of the Chief Commissioner's establishment, etc., of Rs. 3.5 lakhs I allow Rs. 2 lakhs for trans-frontier charges. Is there any other expenditure which my Honourable friend would like to allow? The total civil works Rs. 24 lakhs nearly, the frontier constabulary Rs. 21 lakhs, political expenditure Rs. 98 lakhs, and out of the general administration I allow Rs. 2 lakhs as the share for the trans-frontier,—all put together comes to Rs. 145 lakhs. How does my Honourable friend say that the deficit will be only Rs. 20 lakhs with a chance of total extinction? I submit it is optimism with a vengeance to say that the deficit in internal administration is only Rs. 20 lakhs when it comes to Rs. 150 lakhs. Not only that. The expenditure is Rs. 150 lakhs, the revenue is only Rs. 78 lakhs, so that the deficit will be Rs. 70 or 72 lakhs for the coming year, 1926-27, for internal administration alone? And is it an elastic revenue? What are the chief sources of revenue in that province? Land revenue. Is it not a fact that the Foreign Department and the Chief Commissioner had to postpone the resettlement which was due in the Peshawar district on two occasions on account of the poverty of the people? Is it not a fact that the land revenue was 17 lakhs in 1902-03 and is now 22 lakhs and odd? Is it such an elastic source of revenue? Where is the money to come from? How is this province going to stand on its own legs for its internal administration? That is the question I ask. How does the Honourable Member hope that this province will ever stand on its own legs for internal administration? I do not see how he can belittle the financial aspect of the administration. By all means as

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watch and ward people we are prepared to help you. But, at the same time, we want to have a voice in the control of the expenditure. But extending the Reforms to this province, you will require an Executive Council and Ministers. What has the Minister to do? Let me again ask a question. Do my Honourable friends realise that you will have a Minister for Registration—in case the Registration Department is transferred—for five districts in four of which there are honorary Sub-Registrars? The whole expenditure in the Registration Department comes to about Rs. 13,000 per annum. Then, again, Sir, how many schools is this Minister to take charge of? How many schools are there? Will my Honourable friends ask themselves this question? There is a Training College. But whom does it train? It trains teachers for primary schools and for secondary schools, not B. A's. and L. T's. and all that. This Training college certainly exists and each student costs about Rs. 3,500 per annum. That is all we are asked to maintain. Sir, every administrator knows that it is only when districts form part of a large province that they can get the benefits of a full administration. You want a Chief Engineer, Executive Engineers, an Inspector General of Irrigation and all that paraphernalia of administration. But there is not one district like the Tanjore district or North Arcot and you want all this paraphernalia. Let me take opium excise. What has the Minister to do? Do my Honourable friends realise the difficulties of opium administration over this 700 miles land border where opium is smuggled according to the Revenue Commissioner's evidence before us? Is the Minister to be in charge of the administration there? Are the Central Government going to part with their authority in that matter? May I ask that question straightaway? Then, what has the Minister to take charge of? Education. What has he to do for money? Where is he to get the money from? Out of the revenue of 78 lakhs, we are spending 15 to 16 lakhs on education. Therefore, they will come to us for money. And we will have to decide what should be given to them having regard to our general requirements and having regard to our deficit or surplus as the case may be. Therefore, how can my Honourable friends representing the tax-payers of all India, who have to find the money for this purpose, blindly say that they will part with it? Sir, the Minister will be ambitious as all Ministers are. If he wants to be popular, he must start new colleges, more schools, more medical institutions and more hospitals for which he will require money. And where is he to get the money from? You will be tied hand and foot and you will be told afterwards, when they come for the money, that you have put a Minister in charge who cannot get on without money. He is unpopular with the people because he has no money to spend. My Honourable friend Mr. Jinnah drew attention to the fact that the extra cost by giving the Executive Council and the Minister will be something like Rs. 1,25,000. That may be so. But what are the implications of that procedure? That is what we have to see. The financial commitments already are large and the financial commitments which must come and which the province cannot bear must be very large indeed in course of time. So, looking at it from that point of view, it is not a negligible factor. On the other hand, I attach the greatest importance to that aspect of the case. We are certainly thankful to them but, so far as finances are concerned, he who pays must have the voice in controlling the expenditure. It will be a generous control, but all the same control must be there.

Now, Sir, I have already adverted to the administrative aspects. You want an Executive Council and once the Executive Council is there, what is the trend? If we have one English Executive Councillor, you must have an Indian Executive Councillor. Can we, the Members of a representative Assembly, who claim Indianisation everywhere have the heart to say: "You shall not have an Indian Executive Councillor."

**Mr. M. A. Jinnah** (Bombay City: Muhammadan Urban): In the North-West Frontier Province you can say that.

**Diwan Bahadur T. Rangachariar**: I do not know what will be the next step when the pressure comes from all sides. That is what I am apprehensive about. No doubt it is most popular to-day, but can you resist pressure? The Minister will certainly want more money if he wants to develop his business and become popular. What are the departments you are going to entrust to him? Are you going to entrust him with law and order? I have relied on official records and on admissions of responsible gentlemen on the spot. Now, Sir, what is it that the official report of the Judicial Commissioner for the year 1920 says about the people. I will read one passage. The Judicial Commissioner in 1920, which is not an ancient record, said:

"In 1912 the Sessions Judge of Peshawar remarked that there is reason to believe that in many cases the burglar and the thief had many of the Khans and leading Mahks on their side."

Honourable Members who are familiar with the tract know what influence these Khans and local chiefs have in the province. The statement that I have just read is not an extravagant statement of any witness. It is what the Judicial Commissioner has said in his report. On page 48 he further says:

"The hostile attitude of the tribes re-acted on the people as a result of the close ties of kinship which unite the cis and the trans-border tribes."

This was said in 1920 and my Honourable friends ask us to forget facts. How can we forget facts when we know the terror to which the people of those districts, both Hindu and Muhammadan, are subjected? Originally the Hindus formed the prey. But later on, like the man-cater who has succeeded in his first attempt, both the Hindus and the Muhammadans fell a prey to these raiders. And Honourable Members will notice that this remark was made by a Judicial Commissioner and not by an administrative officer. The Judicial Commissioner in 1920 said. (Mr. K. Ahmed made an inaudible interruption) My Honourable friend should have patience to consider and weigh the fact. The Judicial Commissioner's remark is about the hostile attitude of the tribes. My Honourable friend Sir Denys Bray interrupted me a little while ago about the trans-frontier tribes. This is what the Judicial Commissioner says:

"The hostile attitude of the tribes re-acted on the people as a result of the close ties of kinship which unite the cis and the trans-border tribes."

**Mr. K. Ahmed**: Just as the non-Brahmin says about the Brahmin

**Diwan Bahadur T. Rangachariar**: Sir, I ask the House to pause and consider.

**Sir Denys Bray**: May I ask the Honourable Member what was the rest of the report? Is the Judicial Commissioner referring to some specific case?

**Diwan Bahadur T. Rangachariar:** I am only reading what the Judicial Commissioner said in 1920 in his report.

**Sir Denys Bray:** But the Honourable Member is quoting an isolated passage. Will he read out the rest of the passage? These isolated passages are very misleading.

**Mr. K. Ahmed:** Is it not more than half an hour, Sir, since Mr. Rangachariar has been speaking?

**Mr. President:** Order, order.

**Mr. K. Ahmed:** Is there no time limit, may I ask?

**Mr. President:** Order, order.

**Diwan Bahadur T. Rangachariar:** Let us not exaggerate the communal aspect of the position. It has nothing whatever to do with the question. There are only 2 or 3 lakhs of Hindus. What does it matter what happens to them? I am concerned in looking at it from all other points of view. Who are these people, what is it that sets the whole frontier ablaze, who is the enemy? Will the officials speak? Have not officials spoken before the Committee? Have they not given evidence as to who the enemy is? Peshawar was the winter capital of Afghanistan for nearly 700 years. These districts formed part of Afghanistan. (*An Honourable Member:* "So did Delhi") They had their eye on this jewel. My Honourable friend Sir Denys Bray is laughing.

**Sir Denys Bray:** Personally I would much prefer if the Honourable Member were more discreet in his remarks. I was laughing not at him, but at an interjection that I had just heard.

**Diwan Bahadur T. Rangachariar:** Let the records speak, not me. Let the records speak as to what their fears were in 1919-20 when that wave of fanaticism spread abroad. I quite agree that it is not tactful perhaps, not politic perhaps, to touch too much upon those aspects of the question. But I want the Honourable Members of the Government Benches to have a look into the military records and I am sure that His Excellency the Commander-in-Chief will place them at their disposal. I was not speaking of any evidence given, but I will now proceed to refer to what a very responsible and educated Pathan said before the Committee:

"I belong to this Province and am a Pathan. I have experience of Persia. For three years I was in Consular service as Assistant to the Consul in Sistan in Persia. From there I returned as Personal Assistant to the Chief Commissioner, Baluchistan, and I have experience of the whole of Baluchistan. During that period I was Attaché with the Afghan Prince, Inayatulla Khan, and interpreted between Lord Curzon and the Prince. . . . Subsequent to that when it was proposed during the Amir's presence in India to send Sirdar Ayub Khan, brother of the ex-Amir, who is dead now, to Japan, I was Assistant Political Officer with him. When I returned from there I was Assistant Political Officer with the ex-Amir Yaqub Khan. I have experience of the entire Afghan family, besides being an Afghan myself. I know most of the magnates of Kabul. I was British Representative at Kandahar. . . . I have experience of Baluchis and Afghans and I know Brahui and Baluchi. In this case not only do I know the Afghan across the border but the people of the independent territory too."

Now, will my Honourable friend listen with patience to what he says?

**Sir Denys Bray:** No, no.

**Diwan Bahadur T. Rangachariar:** You will not listen?

**Sir Denys Bray:** Not with patience!

**Diwan Bahadur T. Rangachariar:** The House should realise (*An Honourable Member*: "Never")—the whole of India should recognise (*An Honourable Member*: "How can they!")—we have to recognise the sentiments of the whole of the three hundred millions in this land. What does he say?

"As far as Islam . . . ."

**Mr. President:** Will the Honourable Member bring his remarks to a close?

**Diwan Bahadur T. Rangachariar:** This is what he says. He says:

"As far as Islam is concerned and the Muhammadan idea of the League of Nations goes, I am against it.

*Q.*—The idea at the back of your Anjuman is the Pan-Islamic idea, which is that Islam is a league of nations and as such amalgamating this Province with the Punjab will be detrimental, will be prejudicial to that idea. That is the dominant idea at the back of those who think with you? Is it so?

*A.*—It is so, but I have to add something. Their idea is that the Hindu-Moslem unity will never become a fact, it will never become a *fait accompli*, and they think that this Province should remain separate and a link between Islam and the Britannic Commonwealth. In fact, when I am asked what my opinion is—I, as a member of the Anjuman, am expressing this opinion—we would much rather see the separation of Hindus and Muhammadans, 23 crores of Hindus to the South and 8 crores Muslims to the North. Give the whole portion from Raskumari to Agra to Hindus, and from Agra to Peshawar to Muhammadans, I mean transmigration from one place to the other. This is an idea of exchange. It is not an idea of annihilation. Bolshevism at present does away with the possession of private property. It nationalizes the whole thing and this is an idea which of course appertains to only exchange. This is of course impracticable. But if it were practicable, we would rather want this than the other.

*Q.*—That is the dominant idea which compels you not to have amalgamation with the Punjab?

*A.*—Exactly.

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*Q.*—When you referred to the Islamic League of Nations, I believe you had the religious side of it more prominently in your mind than the political side?

*A.*—Of course, political. Anjuman is a political thing. Initially of course, anything Muhammadan is religious, but of course Anjuman is a political association.

*Q.*—I am not referring to your Anjuman, but I am referring to the Mussalmans. I want to know what the Mussalmans think of this Islamic League of Nations, what have they most prominently in mind; is it the religious side or the political side?

*A.*—Islam, as you know, is both religious and political.

*Q.*—Therefore politics and religion are intermingled?

*A.*—Yes, certainly."

Here is another witness, a B.A., B.L.:

"As a matter of fact, the Pathan considers himself more to belong to the hills than to India. He has more sympathies with his kith and kin of the trans-border than with the Punjabis or the rest of the Indians. A Pathan would never consent to being called anything less than a 'Pathan'. It is a question whether he can be Indianized at all."

That is the attitude of the people of the district. I respect them for their views, I respect them for their patriotism, I respect them for their faith in their own kith and kin; but, Sir, self-interest demands, self-preservation demands that we should not allow them to be a source of trouble. This frontier has always been a source of trouble. Everyone has admitted that. It is all very well for Sir Abdul Qaiyum. If we had more Abdul Qaiyums there . . . .

**Nawab Sir Sahibzada Abdul Qaiyum:** How are the reforms and the suggested Council going to make them worse, and what is your remedy for all that, supposing what you say is correct?

**Mr. President:** Does the Honourable Member from the Frontier Province want the Honourable Member to continue?

**Diwan Bahadur T. Rangachariar:** Far be it from me that you should not have the opportunity for self-government. But what is self-government? I want them to come here or to go to Lahore and mix with the rest of the civilised world and take their civilisation with them. I want more Abdul Qaiyums here so that we may get your manliness, your independence, so that we may impart to you a sense of civilization, a love for culture, and give up your tribal law. Is it good to themselves? You allow Marvars in Madras to meet together, pass laws together. What will they do? How do you expect them to improve themselves? You do not give them a chance of improvement. Go to the Punjab. There is no difficulty in it.

**Nawab Sir Sahibzada Abdul Qaiyum:** But the local Council will send better people here than Abdul Qaiyums to help you in the lobby.

**Diwan Bahadur T. Rangachariar:** I know that. I do not want more Abdul Qaiyums of that sort to uphold me in the lobby. Once you have got there, your local feuds—I am not speaking of the feuds between Hindus and Muhammadans—but between tribes and tribes who live in fortresses fighting each other.

**Mr. M. A. Jinnah:** But we have more than one lakh of Hindus in that province.

**Diwan Bahadur T. Rangachariar:** Never mind the Hindus.

**Mr. M. A. Jinnah:** They are there.

**Diwan Bahadur T. Rangachariar:** What will happen?

**Mr. M. A. Jinnah:** There will be many Rangachariars amongst those Hindus.

**Diwan Bahadur T. Rangachariar:** I know, they get protection by attaching themselves to the Khans. I know that, the protection afforded to the Hindus is because they attach themselves to particular Khans, and I say they are free to do so. The Khans protect them at the cost of their lives; I have seen it in trans-frontier territory; there are Hindus living there, but each of them is attached to a particular Khan. Therefore, as I have said, we must realise what is the proposition, we are asked to support. They want a major Local Government; it is politically unsound, financially disastrous and administratively useless. Sir, I oppose the Resolution.

**\*Khan Sahib M. E. Makan** (Bombay Northern Division: Muhammadan Rural): Sir, I have got great sympathy for the North West Frontier Province because I too come from the Eastern Frontier of India. We too, like the people of the North West Frontier are frontier men. Just as in the Frontier Province Muslims are 92 per cent. of the population, exactly so in my province, excluding Sindh, the Hindus may be in about the same

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\*Translation of the speech made in the vernacular by the Honourable Member.



majority. Although the Muhammadan population is so scanty, we have already got Reforms and the Muhammadans of that province are anxious to have a further instalment of Reforms, in spite of their great numerical weakness. We do not want to be a stumbling block in the way of the Reforms, although we may get so little from them. It is not well to cut your own nose to create a bad omen for another. When the Government have admitted that Swaraj is the ultimate object and it was towards this end that the first instalment of Reforms was extended to India in 1921, I see no reason why the Government should not be prepared to extend it to the North West Frontier Province when the Government recognise it to be an integral part of India. If the North West Frontier Province is a part of India, it will be a great injustice if the instalment of Reforms that was given to us in 1921, is not extended to the North West Frontier Province. If you do not recognise the North West Frontier Province as a part of India, you should immediately liberate them so that they may be able to establish a separate government of their own. This will also remove the burden of great expenses from India. I cannot understand why, when the Honourable Pandit Madan Mohan Malaviya and Diwan Bahadur T. Rangachariar are against Reforms on the frontier, my Honourable leader Mr. Jinnah supports further Reforms for the whole of India. When the Honourable Pandit Madan Mohan Malaviya cannot see a Muslim Raj on the Frontier, why does Mr. Jinnah like to see Hindu Raj in Bombay? This shows that Mr. Jinnah has a genuine desire for Swaraj while Pandit Madan Mohan Malaviya wants to retard its progress. Admitting for a moment that many dacoities and raids are committed on the Frontier, I cannot understand how the situation will change with the extension of Reforms. On the contrary I think that with Reforms the people of that province will begin to realise their responsibility and they will treat their Hindu brethren better, so that they should not be blamed in future and the gradual progress of Reforms should continue as in other provinces. I hope the Mussalmans of the North West Frontier Province will be successful in the Assembly to-day because the Honourable the Home Member, Sir Alexander Muddiman, and the Honourable Sir Denys Bray are both foresighted and justice-loving and they will, I am sure, never tolerate that the gate-keeper of India should remain dissatisfied and discontented.

With these words, Sir, I support the Resolution moved by Sayad Murluza Sahib Bahadur and thank the Honourable the President, who I am proud to say, is also from Gujarat, for having given me this opportunity to speak.

**Lieutenant-Colonel H. A. J. Gidney** (Nominated: Anglo-Indians): Sir, I have but one vote in this House, and after very careful consideration and deliberation on this matter, I have decided to give that vote in favour of this Resolution and to walk into the lobby with my Muhammadan friends in support of it, and I do so, Sir, because I feel that the House has in the main accorded its support to this Resolution. We have the empty Benches in front of us, but I understand that the Leader of that Party has expressed himself in favour of this proposition. Therefore, the opposition to-day consists of a few people, mainly those who reside thousands of miles away from the area under discussion. Sir, I cannot understand why my friends Sir Sivaswamy Aiyer and Diwan Bahadur Rangachariar have so stoutly opposed this Resolution. Sir Sivaswamy

[Lieut.-Colonel H. A. J. Gidney.]

Aiyer yesterday brought all his cavalry and artillery into action and gave us a charge at break-neck speed on this matter. His speech was delivered at such a speed that I really could not understand what he said. It was so different to his usual slow, studied and deliberate method of addressing this House. He was addressing a large audience than this House—the public and the Press. To-day we have Diwan Bahadur Rangachariar, after having heard all the arguments on the opposite side, bringing in his peculiar line of arguments which are so characteristic of the legal way he deals with such debates especially on the financial aspects, as if he were cross-examining a witness. He has brought forward certain points which I am sure have impressed this House to a certain extent, against the acceptance of this Resolution. But he put forward certain figures which I believe are not quite correct and which he has not explained to this House, because I understand that the expenditure he detailed and used with such force against this Resolution refers to both the Agencies and the settled districts in the North West Frontier Province, and I believe the Agencies are an imperial charge and have no concern whatever with the charge for the settled districts. Moreover, Sir, whatever extra expenditure is involved, I do not think the financial situation is very different to the present position of Assam, which as a Province is just paying its way and which nevertheless still supports all the paraphernalia on which Diwan Bahadur Rangachariar laid so much stress as necessary for a new North West Frontier Province. Sir, I am surprised at the attitude taken up by the opponents in their position either as Nationalists or Independents, for I cannot understand how, with one breath they cry out for a Royal Commission to give a further advance in Reforms to this country, while with the other they decry and oppose the introduction of Reforms for another part of India, the North West Frontier Province. Diwan Bahadur Rangachariar to-day said he dealt with this matter as an Indian, but is he not nullifying that statement by now refusing to the North West Frontier Province an equal measure of self-government to that which he enjoys in his own province? Indeed, Sir, I think that this province, being one that can look after itself and defend itself, is in a more fit condition to receive self-government than one not so qualified. I am familiar with this province, and I consider that the inhabitants of the North West Frontier Province are one of the most manly types of people you could meet in India. They are people who look you straight in the face; they are people who do a straight deal irrespective of the consequences. The Honourable the Home Member asked us to give very serious thought to this Resolution and to give very careful consideration to our votes. The Government have, I think wisely, taken up an attitude of "wait and see" in connection with this Resolution.

Now, what does this Resolution ask for? It asks for the grant of Reforms, and I am sure the Mover of this Resolution would be prepared to accept from the Government whatever nature and extent of Reforms they thought necessary. As to the warning the Home Member gave I think it is very timely, timely for reasons which, as Diwan Bahadur Rangachariar said, are hidden away in the archives of the Political Department. But, Sir, if those records are asked to speak on behalf of the North West Frontier Province, what I ask the Political Secretary, will the records of Bengal say? The Honourable the Home Member said there

was a miscellaneous display of cutlery and a display of arms wherever you went in the North West Frontier Province; but, Sir, those arms and that cutlery were openly seen not hidden from the official gaze. Compare that with the arms and cutlery to be found in another province, a province with which Government are flirting and to which they are very desirous of giving Reforms, namely, Bengal. There Government need the entire police force to find out where a part of that cutlery and arms is hidden. Sir, the positions are not comparable. Since we have given Reforms to other provinces in India, I see no reason why we should not give it to a province which is wanting it. On the one hand we have certain provinces saying "We do not want Reforms" and yet you are forcing reforms on them. On the other hand, you here have a province which says "I am anxious to do what you want the rest of India to do, but what they refuse to do—i.e., to co-operate with your Government in the Reforms" and yet you hesitate and you ask this House to decide and you say you will not vote on the Resolution. Now, Sir, I consider this is a question on which Government should give an opinion, a very decided opinion. It is no use to play a wait and see game and then after we have given our vote to say "I told you so". I want the Government to indicate here very clearly what is their opinion on this important matter? Sir, the Honourable the Home Member in his very wise and cautious speech said every Member of the House must seriously consider the matter before he gives his vote and he made use of a very apt saying:

"Full many a shaft at random sent  
Finds mark the archer never meant."

If that is to be applied to the North West Frontier, might I transpose it for another province, where Reforms have been given and failed somewhat like this:

"Full many a shaft the anarchist sent  
Finds mark the archer never meant."

Sir, I look upon this Resolution as a touchstone, I look upon it as a pivot and a crucial test of the future relations between Hindus and Muhammadans, an unrivalled opportunity for the Hindus and Muslims to shake hands in mutual trust, faith and confidence. If in other provinces the Muhammadans did not object to the Reforms, I think the Hindus should return the compliment and tell the Muhammadans to-day: "We trust you in the same way as we asked you to trust us, and we do not oppose this Resolution". It seems to me what is sauce for the goose is sauce for the gander. Extra expenditure I know will be involved, but who gets the benefit of it? My friends sitting opposite there who come from thousands of miles away—Madras—forget their provincial safety. The North West Frontier Province is the gateway of India; it is a part of India on the defence of which Government spend crores and crores of rupees. It is a part of India where we have a body of men who have been faithful to us. Then, again, I ask, where do the Government of India get a part of their income but from provincial contributions? What about the Honourable Member's own province? Has he not lived on the charity of the Government of India? I refer to this year's reduction in the provincial contribution from Madras.

**Dewan Bahadur T. Rangachariar:** No major province depends upon that.

**Lieutenant-Colonel H. A. J. Gidney:** You seriously allege that India has been emasculated by not being allowed to possess arms, but you object to the Frontier having them.

**Diwan Bahadur T. Rangachariar:** Who said that? On the other hand I have recommended that arms should be freely distributed.

**Lieutenant-Colonel H. A. J. Gidney:** Not you individually, but others who have opposed this Resolution.

Sir, to sum up, it seems to me this is a Resolution that should commend itself very favourably to this House and I am very glad indeed to see my European brethren here have decided to support it. As I said before, I have but one vote and I value that vote on all occasions, but, I assure my Muhammadan brothers here that I will give it to them with pleasure on this occasion.

*(Cries of "Let the question be now put.")*

The Assembly then adjourned for Lunch till Two of the Clock.

The Assembly re-assembled after Lunch at Two of the Clock, Mr. President in the Chair.

**Sir Hari Singh Gour** (Central Provinces Hindi Divisions: Non-Muhamadan): Sir, I should like to contribute a few words to this discussion. I find that as far back as 1900, when the question of the separation of the North West Frontier Province was mooted by the Government of India, Lord Curzon gave expression to the following views. I read from his official despatch dated the 27th August, 1900. He said:

"It will express and enforce the direct responsibility of the Government for foreign affairs. It will enable the Viceroy to take up the most important business of the department of which he is the personal chief. It will free the management of frontier politics from the delays that are inseparable from a chain of reference whose strength is sacrificed to its length."

And the Secretary of State in accepting his proposal in paragraph 8 of his despatch, wrote as follows:

"In the meanwhile Her Majesty's Government generally approve of your proposal as tending to express and enforce the direct responsibility of your government for frontier affairs and to free the management of frontier politics from the delay inseparable from the present system."

The question of cost was raised in 1900, and this, Sir, is what Her Majesty's Secretary of State wrote on that question. Lord Curzon had said:

"It will not entail any additional burden upon the Imperial revenues."

And the Secretary of State said in paragraph 8:

"If on close examination of the various changes and adaptations inseparable from the constitution of the new Commission apart from the Punjab Government, it is found that they do in fact involve no additional expense, the result will be undoubtedly satisfactory."

Now, Sir, these are the two conditions upon which the Frontier Province was constituted; first, that it will entail no additional cost, and second,

that the frontier policy will be directly in the hands of the Governor General; and I find, Sir, that Colonel Gidney, who seems to have changed his views, gave expression to identical views on the 21st of September, 1921. Speaking on the motion he said:

"The domestic policy pursued in a territory contiguous to the frontier must inevitably react upon foreign policy and upon defence. It is inconceivable that domestic policy in such territory should be directed by any authority other than that which is responsible for foreign policy and defence."

This is nothing but a paraphrase of the views of the Government of India and the Secretary of State. Now, Sir, the question that I wish to ask this House is this. Only two days back, when the Education Secretary asked for a supplementary demand of Rs. 50 lakhs for the purpose of Archæology, my friend, the Honourable Mr. Jinnah, and other Members of this House rose up in arms against him and said: "This will take away the jurisdiction of this House to grant supplies, and you are withdrawing from the cognisance of this House a large sum of money which will disappear and will be used by trustees which this House cannot tolerate." That, Sir, was the principle that we who are responsible to the tax-payers for the safe use of their money, should also be responsible for voting supplies: I apply that principle to the present case. The Frontier Province is annually a deficit province. The Honourable Mr. Rangachariar has pointed out and I have verified his facts—we find from the current Budget that we have to subscribe no less than Rs. 2½ crores for the maintenance of the Frontier Province. Now, I ask the Honourable Members one short question. This annual sum of money which you vote for the upkeep of the Frontier Province, are you prepared to take it out of your vote and make it over to the Local Government to be distributed? That is the short question.

**Raja Ghazanfar Ali Khan** (North Punjab: Muhammadan): It is not necessary.

**Sir Hari Singh Gour**: My friend the Raja who led the debate says it is not necessary. Very well, Sir. If this House is to vote its supplies every year to the North West Frontier Province, how is it consistent with the constitution and the existence of local autonomy?

**Raja Ghazanfar Ali Khan**: For unsettled districts.

**Sir Hari Singh Gour**: Then my friend says, he does not want these Reforms to be given to the whole of the Frontier Province, but he only wants them for the five settled districts. Well, Sir, I will reply to him in the words of the then Law Member, who, speaking on behalf of Government, disposed of that argument in the following words:

"The population of the five settled districts there is intimately connected and associated with the five agency tracts. In fact I am told that there are many among them who have houses on both sides of the Frontier. Their relations are intimate, and it would be, in the opinion of the frontier officers who know the province, extremely dangerous and disastrous to divide control in that part of the country."

That is my answer to the Raja Sahib. You cannot possibly give Reforms to five districts and refuse those reforms to the other five trans-border districts.

**Nawab Sir Sahibzada Abdul Qaiyum**: The conditions are different. I cannot follow the reasoning.

**Sir Hari Singh Gour:** I have given the reasons.

**Nawab Sir Sahibzada Abdul Qaiyum:** I hope the Honourable Member will confine his arguments to the extra expenditure which will be involved in starting the Reforms, and not to the whole expenditure of the Frontier Province. These five districts are already under the administration of a Chief Commissioner. What remedy is there for reducing the present expenditure?

**Sir Hari Singh Gour:** I have quoted Lord Curzon, and I have quoted the Secretary of State. I have also quoted the Law Member. I wish presently to place the Nawab Sahib in the same distinguished company and in favour of the view which they have expressed. If he will only pause for a minute, I will quote his own words.

Now, Sir, I am dealing with this question first, about the pronouncement made in 1900 by the responsible authorities both in India and in England when the Frontier Province was carved out of Punjab, and I further wish to point out that, so far as this Resolution is concerned, it does not deal with the five settled districts, but it deals with the whole of the North West Frontier Province. Honourable Members will probably say that this Resolution must be read in its spirit and not literally. I am prepared to do that. I am prepared to concede that this Resolution must be understood as meaning that the Reforms are merely to be extended to the five settled districts, in other words, to half of the Frontier Province. Now, Sir, what is the position there? I find, Sir, that about two years ago there was a meeting held by the Revenue Commissioner, Colonel Keane, the present Officiating Chief Commissioner, and he inquired of the people—my friend the Nawab Sahib was present at that meeting,—whether they preferred elections to nominations in the municipalities, and . . .

**Nawab Sir Sahibzada Abdul Qaiyum:** Not in the municipalities, please.

**Sir Hari Singh Gour:** In the District Boards. I stand corrected—in the District Boards, and they all said that that they did not want elections, they wanted nominations . . .

**Nawab Sir Sahibzada Abdul Qaiyum:** No.

**Sir Hari Singh Gour:** And I say, Sir, that only two years ago at a representative meeting, when the public opinion of both Hindus and Muhammadans was sounded, they agreed in preferring nominations to elections in the District Boards . . .

**Nawab Sir Sahibzada Abdul Qaiyum:** May I point out, Sir, that we never said that we did not want the election system or Reforms in the Province. What we said was that there was no use of introducing reforms in the District Boards in which there were very few non-Muslims and non-Pathans, but that we wanted the Reforms to be started right through the whole province first, particularly in the municipalities and, then in the ordinary way, in the District Boards, etc. We said that there was no use of introducing these reforms, first, in the District Boards which were composed of almost one class of people only.

**Sir Hari Singh Gour:** I am much obliged for this interruption. I find that the Nawab Sahib was fairer than I was. He is perfectly fair. He said that when he went there he said that he did not want the reforms to be introduced in the District Boards. He wanted to introduce the reforms

first, in the municipalities, and then in the District Boards, and then he wanted them to be extended to the whole Province. I say, Sir, that is the language of a statesman, and I congratulate the Honourable Member in giving expression to it here. Now, if I say . . . .

**Nawab Sir Sahibzada Abdul Qaiyum:** I wanted the mother to come forward and produce children. It is unnatural that the children should come first and the mother afterwards.

**Sir Hari Singh Gour:** Well, Sir, I leave it to the House. I ask Honourable Members fairly to consider this very short statement which the Nawab Sahib has made. In British India long before the advent of the reforms the municipalities and District Boards had been autonomous . . . .

**Raja Ghazanfar Ali Khan:** Not all.

**Mr. Abdul Haye:** Not simultaneously.

**Sir Hari Singh Gour:** In the first you had municipal elections, then you had elections to the District Boards, and only two years back Sir Abdul Qaiyum opposed elections even to the District Boards. He said he wanted no reforms at the foot of the ladder from which they began under Lord Ripon's Viceroyalty in 1880 in India. That was the preparatory stage here; and when the people realised the value of elections, then further reforms became necessary and were introduced. Now, your spokesman in this House, the inspirer of the Resolution, has himself admitted now . . . .

**Mr. President:** The Honourable Member forgets that the Chair is on this side.

**Sir Hari Singh Gour:** The Honourable Member has himself admitted that only two years back he was against the introduction of reforms in the constitution of the District Boards, and I will leave it there.

Now, my point is this. We are here dealing with some frontier Districts, not the whole of the Frontier Province, but only a part of it, and the resolution is interpreted as saying, which it does not say, that you must give to only a part of that Frontier Province, I take it, the Reforms provided for in the Government of India Act, which relate to Legislative Councils, the appointment of Ministers, etc. Now, Sir, if you were to introduce ministerial responsibility and a local Legislative Council, I wish to ask, how is it consistent with the declaration of the Secretary of State and of the Government of India of 1900 when this new province was constituted? My second point is, how is the cost to be met? My friend the Raja Sahib says it will come out of the general revenues of India and will be voted by this House . . . .

**Raja Ghazanfar Ali Khan:** I did not say that.

**Sir Hari Singh Gour:** It will come out of the revenues of India. Well, Sir, I ask the House, if it is to come out of the revenues of India, it must be placed upon the estimates of this House. And is this House prepared—that is the short question—is this House prepared to abdicate its duties and responsibilities of transferring a large sum of three crores of rupees every year without any control which it exercises by its annual vote on the Budget?



**Nawab Sir Sahibzada Abdul Qaiyum:** I would ask the Honourable Member to confine his arguments to the extra expenditure which will not be, roughly speaking, more than Rs. 60,000 a year.

**Mr. President:** That is the function of the President and not of the Honourable Member.

**Sir Hari Singh Gour:** I am afraid, Sir, there is a little confusion in the Nawab Sahib's mind. The extra expenditure is not the only thing to be considered. You have to run the province with a Budget of its own, and that Budget can either be voted by the Legislative Council or by the Legislative Assembly, and if it is once placed upon the estimates of the local Legislative Council, it follows that the Legislative Assembly will be deprived of the power of vote which it now possesses and which it exercises in respect of the North West Frontier Budget. That, I submit . . . . .

**Mr. Mahmood Schamnad Sahib Bahadur:** From that Budget, Sir.

**Sir Hari Singh Gour:** That, I submit, is a deprivation of the power against which this House has almost unanimously protested only 48 hours back.

**Mr. M. A. Jinnah:** What about Burma? What did you do in Burma?

**An Honourable Member:** What about Railways?

**Sir Hari Singh Gour:** The House will further remember that the North West Frontier Province was constituted for the purpose of giving a direct hold to the Government of India on its foreign policy, and if my Honourable friends to-day ask the Government of India to use their good offices to extend the reforms to the 5 districts, I ask them why Baluchistan should be excluded from it.

**Nawab Sir Sahibzada Abdul Qaiyum:** No, not excluded.

**Sir Hari Singh Gour:** Apparently my friend will say that the Reforms must be extended to Baluchistan . . . . .

**Nawab Sir Sahibzada Abdul Qaiyum:** Why not? And later on to the tribal area too.

**Sir Hari Singh Gour:** And to the Santhal Parganas, and in fact to all provinces which are geographically within the limits of British India.

**Nawab Sir Sahibzada Abdul Qaiyum:** And form part of the Indian Empire, and are subject to Indian laws.

**Mr. K. Ahmed:** You can have your Marriage Bill circulated then.

**Sir Hari Singh Gour:** I wish in this connection to draw the attention of the House to what took place when there was a debate on a very similar motion by my friend Mr. Harbilas Sarda relating to the small province of Ajmer-Merwara. The Government then said: "You are a deficit province. You cannot pay your way, and so long as you remain a deficit province, you cannot have Reforms."

**Raja Ghasanfar Ali Khan:** Political importance.

**Nawab Sir Sahibzada Abdul Qaiyum:** But what did you and the Swarajists say on this point and where did you vote?



**Sir Hari Singh Gour:** I submit that that argument applies *a fortiori* to a province where the deficit is as much as in the case of the North West Frontier Province.

**Mr. K. Ahmed:** How can you say that? Are you speaking for yourself or justifying your return to this Assembly on the Swarajist ticket?

**Mr. President:** Order, order.

**Sir Hari Singh Gour:** Then, Sir, dealing with the North West Frontier Province, I have no doubt that here again I shall be supported by the Honourable the Nawab who is the foster father of this Resolution. (*An Honourable Member:* "No.") Is it not a fact that there are such things as *para janba* of which a very weak rendering is factions and is it not a fact that these factions are above politics, above religion above all and they are the ripe source of life-long blood-feuds and vendettas unknown anywhere in India . . . .

**Nawab Sir Sahibzada Abdul Qayum:** I have seen the worst type of "*para janba*" (party feelings) on the floor of this House, worse than in the Frontier Province.

**Sir Hari Singh Gour:** The fact that they exist elsewhere in India does not minimise the fact that they are there in their pristine vigour and strength. The fundamental principle of every democratic or representative institution is that the representatives of the people should think imperially and think of the good and welfare of the provinces as a whole and not of the small parties to which they belong. I ask, Sir, would it be conducive to the peace and welfare of the provinces as a whole if these Reforms are extended to the North West Frontier Province at this stage?

**Nawab Sir Sahibzada Abdul Qayum:** I will say just one word, Sir. If the Reforms are taken away from the Honourable Member's province, namely, the Central Provinces, where the situation is worse in this respect than in the North West Frontier Province, then we will be quite prepared to remain without reforms.

**Mr. President:** This is neither a personal explanation nor a point of order.

**Sir Hari Singh Gour:** I wish to point out one other fact . . . .

**Mr. President:** I hope the Honourable Member will now bring his remarks to a close.

**Sir Hari Singh Gour:** I think, Sir, that the remarks of these Honourable Members (meaning those who had interrupted) have been more than my remarks.

**Mr. President:** The Honourable Member must understand that the House is getting impatient. He will therefore bring his remarks to a close.

**Sir Hari Singh Gour:** One more point I wish to bring to the notice of the House. Under the Government of India Act the North West Frontier Province is excluded and it would require an amendment of the Government of India Act to include the North West Frontier Province under the provisions of that Act.

**Mr. M. A. Jinnah:** The Act ought to be amended.

**Sir Hari Singh Gour:** My friend says that the Government of India Act ought to be amended. I have no doubt, Sir, that when the Government of India Act is amended, these questions will receive consideration.

**[Sir Hari Singh Gour]**

and I do entreat the Government of India to give an assurance that if and when the Government of India Act is revised, this question will not be ignored and that it will be taken into consideration along with the further Reforms which the Royal Commission or the Statutory Commission or any other Commission that may be set up may take into consideration.

(Several Honourable Members moved that the question be put.)

**Mr. President:** The question is that the question be now put.

The motion was adopted.

(Mr. President then called on Maulvi Sayad Murtuza Sahib Bahadur to reply.)

**Sir Denys Bray:** Sir, before the Honourable Member replies, might I ask for your guidance? Two amendments are, I understand, before the House. Are we to understand that they have been withdrawn?

**Mr. President:** The amendments have not been withdrawn. The course which the Chair proposes to adopt is this. It will read to the House the original Resolution and the two amendments, but will put the original Resolution to the vote first.

**Maulvi Sayad Murtuza Sahib Bahadur** (South Madras: Muhammadan): Sir, before availing myself of the right of reply I thank those gentlemen who have supported me wholeheartedly, especially Colonel Crawford and Colonel Gidney, who are the gallant representatives of a gallant race, (An Honourable Member: "And Mr. Bipin Chandra Pal".) and I value the support of Mr. Bipin Chandra Pal more because he is a member of the Hindu Mahasabha and a member of the Sangathan, and yet he is prepared to espouse the cause which is a righteous one. I also thank the leader of the non-official European party, Sir Darcy Lindsay, for his wholehearted support. Gentlemen, when I say this, it is not meant that I do not thank those that have opposed me. I thank the opposers of this proposition also, especially Sir Hari Singh Gour, the last speaker, who has assured the House, having placed himself in the capacity of the Home Member, that the Frontier people will get this and that when the further consideration of the reforms is taken up by the Government, as if he is in the know of the Government secrets that we are going to get this and that to-morrow or the day after. Till then, he wants the frontier Muhammadans to observe silence, and the silence of the dead. Now, as regards the other three speakers that have opposed me, two are from my own province of Madras, and they are my personal friends. One is my family friend and the other was my colleague in the Madras Legislative Council.

**Mr. K. Ahmed:** What is his name?

**Maulvi Sayad Murtuza Sahib Bahadur:** I mean Sir Sivaswamy Aiyer. As regards Pandit Madan Mohan Malaviya, he is a nationalist and that is recognised by all of us. I cannot question his nationalism. At the same time, he has, at least in this question, introduced communalism. He has been overpowered by a spirit of communalism. Nationalism has given way to communalism when he unnecessarily dragged in the question of Kohat and the question of Peshawar, simply with the object of undermining the spirit of my Resolution. I have to measure myself against these four stalwart politicians who are all vakils. I cannot succeed in that, but I shall try my level best to prove how far the arguments advanced by them

have fallen through. Two speakers from my province laid stress on the voluminous evidence recorded by one of them. But, Sir, when the majority report is before us, who are expected to have discussed and sifted every question, there is no necessity for our going into all the details. As regards my Honourable friend, Sir Sivaswamy Aiyer, he is the originator of this debate, as the Committee itself was formed in pursuance of a Resolution moved by him. Before saying something regarding the question itself I have to inform my Honourable friend, the Home Member, that it is not Nawab Sir Abdul Qaiyum who was the inspirer of this Resolution, and at the same time I have to inform my Honourable friend over here that Nawab Sir Abdul Qaiyum is not the father of this Resolution. This Resolution was drafted by us all and the Home Member is not accurate when he says that I am from Madras and am not in touch with the Frontier. In my opening speech I said that I have been to the Frontier. I have seen the intelligentsia of that province; I have discussed with them matters regarding their well-being and as to how the law is being regulated there, what hardships they are being subjected to under the Frontier Crimes Regulation, and so forth. Along with those points this point of Reforms also was taken up. Ever since I had been there, I have had a longing to move this Resolution and I am fortunate to have drawn the ballot in my favour. No doubt, as has been rightly observed by Sir Sivaswamy Aiyer, I was cautious enough not to import communalism when I handled the question on the 16th February, and the Muslim speakers that followed me also handled it in the same strain, a fact which has been borne out by the Press. Pandit Madan Mohan Malaviya consciously or unconsciously gave vent to his fury against the furious Pathans of the Frontier when there was no occasion for it at all. All his arguments having been successfully met by the three Punjabi speakers, Raja Ghazanfar Ali Khan, Mr. Abdul Haye and Mr. Ghulam Bari, and my Honourable friend, Mr. Jinnah, the leader to a party of which the Panditji had been a Member till the 16th . . . .

**Mr. M. A. Jinnah:** I have not spoken on the floor of this House on this Resolution as representing my Party. I spoke entirely in my individual capacity.

**Maulvi Sayad Murtuza Sahib Bahadur:** The question of keeping the people of the settled districts of the Frontier deprived of such Reforms as were introduced in other Provinces by the Government of India Act of 1919 and in addition denying them the benefits of such penal laws and criminal procedure as are in force in other provinces and were in force in the 5 settled districts of the Frontier also up to 1901, when they were separated from the dissimilar people and region of the Punjab, is one question and the question of amalgamating these five districts with the Punjab or redistributing the areas of the two provinces in any other manner is another question. One or the other may be discussed on its merits, but the two must not be confused. I am prepared to discuss the question of amalgamation or redistribution on the merits, but I submit that when the only question that I am discussing is of the political and civic rights of the people of the Frontier Province it is not fair to befog the issue by importing into the discussion the question of amalgamation or redistribution. It seems to me that a considerable part of the Hindu opposition to the extension of the Reforms to the Frontier Province is based on considerations that are not provincial but are imported into these discussions from other Provinces of India. In no other province are the Hindus in such a minority as in the North West Frontier Province, and being in

[Maulvi Sayad Murtuza Sahib Bahadur.]

most of the provinces in large majorities, in some no less large than the Muslim majority in the Frontier, the most communally-minded Hindu can pose as a nationalist and talk of democracy and mixed territorial representation or at least of joint electorates even if separate representation to the Muslim minorities is conceded. This pose cannot possibly be maintained any longer if the five settled districts of the Frontier not only remained a distinct and separate province but also secured the Reforms asked for in my Resolution. One need not be a prophet to predict that the moment the reforms are granted to these five districts as a distinct and separate province the Hindu minority thereof will begin to clamour as vociferously as the most nervous Mussalman seeking adequate and effective separate communal representation by means of separate electorates. The whole show of nationalism will then be given away if the Hindu minority in the Frontier proves just as anxious, if not more, for all those safeguards as the Muslim minorities elsewhere demand. It is for this reason, and mainly, if not solely, for this reason, that such a large part of the Hindu community is ranged against me to-day. This is the reason why some prominent Hindus of Southern India are even more anxious for the amalgamation of the Frontier Province with the Punjab than the Hindus of the Punjab itself, let alone the Mussalmans who are so emphatically and clearly opposed to it. That is the reason why on the pressure of the Punjab Hindus and their Hindu supporters of other provinces, the leader of the Swaraj Party gave to the Mussalman members of his party nominally two alternatives; amalgamation to-day or Swaraj to-morrow: but in reality it connoted no other alternative but amalgamation, because he allowed to be tacked on to the alternative of Swaraj to-morrow the significant addition "subject to such redistribution of provinces as may be found necessary." It is true that more recently it is pretended that the Hindus of the Punjab too no longer desire amalgamation. What is it that they desire after all? What they desire can be judged from the recent resolution passed by the Mahasabha with only one dissentient voice, which was to the effect that they desire that things should remain as they are. But I shall be charitable enough to believe that the Hindus in the Mahasabha also love freedom too much to be satisfied with the conditions of slavery that prevail to-day in the Frontier. Even though the chief sufferers are the Mussalmans and not the small Hindu minority, I do believe that the Hindu Mahasabha also wants Reforms but on one condition and that condition is that the Mussalman majority in the Frontier must merge itself in the small Muslim majority in the Punjab which has to be content with its 50 per cent representation. The alternatives offered to the Mussalmans of the Frontier are that they should either remain the slaves of the Bureaucracy or submit to a merger in which the huge majority would be practically unavailable to them. But to make the Mussalmans subject to the merger the Hindu Mahasabha and the Hindus of the Punjab now pretend that they do not like even the merger but must keep the Mussalmans of the Frontier in the existing condition of slavery. This, it is believed by the Mahasabhaists, would bring the Mussalmans to their knees and compel them to beg themselves for amalgamation. This is an old trick and those who habitually drive hard bargains are past masters in playing it. The Persian proverb sums up this mentality which runs as follows:

*"Ba margash bigeer ta ba tap razi shawad."*

("Demand death and he will agree to fever.")

But the Mussalmans of the Frontier will not agree to fever and as for death they are generally accused of preferring other people's death to their own. This insistence, whether direct or indirect, of amalgamation with the Punjab is nothing short of political blackmail and I trust that every right-thinking Member of this House will help the Frontier Province in resisting it. It will be a vain effort to appeal to the rest of the House even though I am sorry to say the large bulk of this section of the House hails from my own province. It was perhaps on this account that the Providence which presides over the ballot destined it that a Mussalman from the same province should move this Resolution:

*"Asman har-i amanath na tavanisth kasheed,  
Khura-i fal ba namai man-i deenana Zadand."*

("The burden of responsibility which could not be borne by Heaven has fallen to my lot.")

I bow to that Providence though I must say that it has involved me in difficulties with the party which had opposed my election, but which I joined after defeating its candidate and which I followed in the walk-out even though it had compelled me to resign. It is a sense of duty alone—a duty the demands of which are more insistent than any party discipline—that has compelled me to be present here to-day only to defend the cause that I championed. So far as I am concerned, Sir, I have no control over the barrier of technicalities and what I realise as my duty I have discharged. A certain charge has been levelled against me by one nationalist paper of Bengal. If my memory does not fail me it was the *Amrita Bazar Patrika* which said that it was in a partisan spirit that I moved the Resolution. From the floor of this House I have to inform the editor of that Journal and those that share his views that I am above partisanship and have been so ever since my school and college days. I can easily substantiate my statement and disprove the charge by referring to the fact that it was only on the 24th February, 1925, that I supported a similar Resolution moved by my Honourable friend, Rai Sahib Harbilas Sarda, demanding a Legislative Council for the province of Ajmer-Merwara where, as the House is aware, the Mussalmans are in a minority. The peculiarity of that Resolution was that there was not a single word either in the Resolution itself or in the speeches made by the Mover and others about safeguarding the interests of the minorities. My friend, the Mover of that Resolution, will bear me out when I say that his Resolution ran thus:

"This Assembly recommends to the Governor General in Council to be pleased to establish a Legislative Council for Ajmer-Merwara."

The said Resolution was supported not only by me but also by six other Mussalman Members, the total number of supporters of the proposition being 26. So far as my Resolution is concerned, it is cautiously worded making provision for safeguarding the interests of the minority community.

Now, Sir, as regards my friends from my own province, Madras, I have simply to read out to them the opinion held by the majority of the Hindus of my province regarding this question, which will be helpful to others also in forming an opinion about this question. This is from a paper which is the national organ of the non-Brahmin Hindus who form the majority of the population of our province.

**Maulvi Muhammad Yakub** (Rohilkund and Kumaon Divisions: Muhammadan Rural): What is the name of the paper?

**Maulvi Sayad Murtuza Sahib Bahadur:** The name of the paper is *Justice* and it has done justice to this subject.

**Nawab Sir Sahibzada Abdul Qayyum:** But our opposers are Brahmins.

**Maulvi Sayad Murtuza Sahib Bahadur:** Out of four who have opposed this Resolution, three are Brahmins.

**Diwan Bahadur T. Bangsachariar:** I hope my friend recognises that there is nothing personal to him in it.

**Maulvi Sayad Murtuza Sahib Bahadur:** I do agree with you there, Sir. *Justice* in its editorial of 18th February, said as follows:

"Although the discussion in the Legislative Assembly on Maulvi Sayad Murtuza's Resolution asking for the extension of the Montagu-Chelmsford Reforms into the North-West Frontier Province has not yet come to an end, we are not without our own fears that the Assembly would eventually be found to have contributed something of its own towards increasing the bitterness of the already embittered relations between the Hindus and the Muslims in this country."

Our province is free from this charge:

"For example, even a child can foresee that speeches of the type delivered by Pandit Madan Mohan Malaviya can only have the disastrous effect of inflaming Muslim opinion and rendering it all the more suspicious of the *bona fides* of the Hindus. We do not deny, of course, that the Pandit has some ground for his jeremiads and his lugubrious advocacy of what he supposes as the 'interests' of the Hindus, but, none the less, we are not prepared to agree with him when he says that, simply because there have been some Hindu-Muslim disputes and disturbances in the past, the Muslims of the Frontier Province should be regarded as *dushmans* for ever and denied any part or lot in the Reforms which their brethren elsewhere in India are in unquestioned enjoyment of. In fact, if the occurrence or non-occurrence of communal squabbles and affrays be the criterion for the non-award or award of political reforms well may it be the case that the Pandit's own province—the United Provinces—would not fare any the better as compared with the Frontier Province. For it is well known that, among the provinces in which Hindu-Muslim troubles are almost an every-day occurrence, the United Provinces are one of the most prominent: the Pandit himself will have to admit this when confronted with the statistics of the past few years. It seems to us puerile, therefore, to argue that the Reforms should not be extended to the Frontier Province on the ground that the province is susceptible to inter-communal outbreaks now and then. All the same, we must confess to some sympathy with the feeling that the constitution of a separate province on the frontier in the early years of the present century by the then Viceroy, Lord Curzon, was an unwarranted step and that it has led to consequences that have not been altogether happy. But, in so far as the people of the province concerned are, for the most part, averse to linking their fortunes with those of their neighbouring province, the Punjab, and also in view of the fact that the latter itself has refused to acquiesce . . .

**The Honourable Sir Alexander Muddiman:** I claim the protection of the Chair. I invite your attention, Sir, to the fact that the Honourable Member is reading long extracts from newspapers.

**Mr. President:** The Honourable Member cannot go on reading these long extracts from newspapers. There must be some limit. The Honourable Member will now bring his remarks to a close.

**Maulvi Sayad Murtuza Sahib Bahadur:** I will just say a word or two. It has been proved that the North West Frontier Province people have a real and genuine desire for Reforms. The fact that so many frontier people have come all the way from the different districts of the province goes to show how keen they are on the subject. There is another fact to be added to it. 69 meetings have been held all over the province and resolutions have been moved. At not a single meeting was there anyone

found to be against the Resolution. The Hindus and the Sikhs are also united, which goes to prove, that so far as the province itself is concerned, there is no animosity as it is depicted to be outside the province by those who are against it. The Raja Sahib and the Leader of the Independent Party have made a passionate appeal to the Honourable the Home Member whose largeheartedness and accommodating tendency are admitted on all hands. I associate myself with them in making the appeal. Will the Jagirdars and Khans who have come all the way have to go away disappointed. I hope not. I trust they will get the Reforms.

With these few words, Sir, I commend my Resolution to the acceptance of the House.

**Sir Denys Bray:** Sir, it is very pleasant to hear my Honourable friend, the Mover, again. But I wish we had seen him in his accustomed seat, doing something to fill up that ugly gap opposite. He may have thought that he would have felt lonely there. But he spoke with sincerity and conviction as before, and with sincerity and conviction on his side, he is always in very good company.

Those empty Benches opposite recall to my mind the discomfort—almost discomfort—in which I spoke earlier in the debate. The Benches were not empty then. But they were silent, silent—to borrow a phrase from my Honourable friend Mr. Bipin Chandra Pal,—silent with a silence more eloquent than eloquence. The oracles were dumb. They are dumb no longer. At the eleventh hour the oracle has spoken. It has delivered itself of an oracular utterance worthy of the most ambiguous oracular utterances of the Delphic oracle itself. Let those who can take comfort from that utterance take comfort!

My own contribution to the debate this evening will be confined almost entirely to a defence of the Frontier and of that man than whom I have not known a finer—the man of the Frontier Province. The attack on the Frontier and the frontier man began early. My Honourable friend, Pandit Madan Mohan Malaviya, did not associate himself with the conspiracy of silence. That he faced the issue bravely, that he spoke out boldly what he felt in his heart, we must all admit. And for that, if he will accept it from me let him accept my tribute of admiration. Unfortunately he did not content himself with that. He raked up past history. I am wrong. Had he done that, I should not have referred to the matter now. What he raked up, Sir, were ancient misrepresentations of past history. The impression he left upon the House was that sixteen or seventeen years ago the Muslims of Peshawar, in order, forsooth, to get rid of one British officer and to get back another, made an organised onslaught on the Hindus of Peshawar, looted them of fifty lakhs of property—though some say less—and drove them, sixteen thousand souls—though some say less—into the Punjab, where for a year—though some say less—they remained in exile. And the

facts? They were tragic enough. Tragic enough, one would  
 § P.M. have thought, to serve any one's purpose without the added horrors of imagination. The cause of that grim tragedy was the clashing of the Hindu festival of vernal merry-making, the *Holi*, with the Muslim festival of mourning, the *Bara Wafat*. There was bloodshed on both sides. Bloodshed was followed by looting; looting by panic; panic by the exodus of many Hindus down-country. The facts were grievous indeed. But the damage done was nothing like 50 lakhs; a committee of Hindus assessed it at 5. Nor did the exodus embrace the whole Hindu population of



[Sir Denys Bray.]

Peshawar; nothing like it. Nor did those Hindus remain in exile for a year; nothing like it. It was a ghastly riot. But not in Peshawar alone do such riots happen. Not on the Frontier alone are such crimes committed in religion's name. And I say now what, interrupting my Honourable friend, I said then, it is to me deplorable—there is another word that trembles on my lips again—that in raking up ancient history, he should rake it up so distorted, ghastly though the truth was. Is it really necessary for me to remind him how easily communal feeling is set ablaze? Small wonder that my Honourable friend Raja Ghazanfar Ali, in an admirable speech, delivered him an admirable rebuke; small wonder too that he provoked from my Honourable friend Mr. Abdul Haye a fierce counterblast, fiercer I think than he would have dreamt of delivering in this House had it not been for the provocation he had received.

I pass on to my Honourable friend Sir Sivaswamy Aiyer. It is refreshing to turn to his speech. Or rather I feel that it *will* be refreshing when I am able to read that speech in the cold light of print. For I was so pelted with facts and figures that my poor storm-beaten ears were hardly able to take in the argument. Like the Pandit, he spoke with great conviction and force; like the Pandit, he marshalled many facts and figures; unlike the Pandit, he was able to adduce authority for the figures and the facts he quoted—some authority at any rate. Of the use he made of those facts and figures there is, I venture to assert, much room for—(*An Honourable Member*: “Difference of opinion.”)—I will put it at that, difference of opinion. And in what he said there was much food (let me address myself to Mr. Jinnah) much food for reflection for men like Mr. Jinnah, who think that in this issue there is no question at all, that everything is so simple, so plain that a decision ought to have been taken months and years ago. But I do feel this of Sir Sivaswamy's speech, and I have felt it more than once as I have listened to him on his pet subject the Frontier: if only he would leave his books, if only he would blow out that midnight lamp, if only he would tear himself away from the satisfying prose of Frontier Administration Reports, and go north to the Frontier itself, and stand in Peshawar and feel the keen, invigorating blasts of wind that come down the Khyber or the Malakand, I am sure he would find many of his cobwebs blown away, and that he would review the Frontier and the frontier problems in a very different and much better perspective. Of one thing I am quite sure. He would revise his opinion of the character of that fine man that lives on the frontier.

I turn to Mr. Rangachariar, who this morning delivered a very powerful speech, which again I commend to the study of my Honourable friend Mr. Jinnah, who finds everything so simple. . . .

**Mr. M. A. Jinnah:** I studied this in the minority report and I also studied the majority report, and I agree with the majority report rather than with the minority report. . . .

**Sir Denys Bray:** I rise almost again with a blush . . . .

**Diwan Bahadur T. Rangachariar:** When did Mr. Jinnah come to that conclusion may I ask?

**Mr. M. A. Jinnah:** As soon as I studied it.



**Sir Denys Bray:** I cannot, however, acquit Mr. Rangachariar of introducing heat into the discussion. True, he dissociated himself at an early stage in his speech from any feelings whatsoever of a communal character. But methinks he protested too much!

**Diwan Bahadur T. Rangachariar:** Certainly not.

**Sir Denys Bray:** If he doubts it, I would point to the angry protests that punctuated that speech. Where did they come from?

**Diwan Bahadur T. Rangachariar:** From the conviction of a national issue.

**Sir Denys Bray:** The protests, Sir, came, as far as I could judge, from almost every Muslim in the House. And it seemed to me the greater pity, for I feel, and again I turn to Mr. Jinnah, that there was a great deal in his speech that not only deserves, but commands, close attention. Even I, who belonged to the majority, who signed the majority report, have recently had to do a great deal of hard thinking and re-thinking on this problem, and many of its difficulties have been put very admirably by Mr. Rangachariar. Unfortunately, he exaggerated. He exaggerated greatly. He treated difficulties as insuperabilities. Out of extracts and fragments he created a Frankenstein monster of a frontier province, a monster of a frontier Pathan. . . .

**Mr. K. Ahmed:** It is monstrous. (Laughter.)

**Sir Denys Bray:** Here and there it amused me to listen to him. It amused me to listen to the awe with which he quoted the report of some district officer on the Frontier saying that, in his opinion, the Frontier was not quite ripe for Reforms. Does he listen with the same feeling of sacrosanctity to the opinion of the district officers of Tanjore? Does he listen with awe when the District Collector reports that, in his opinion, Madras is not quite fit yet for that full autonomous provincial government which my Honourable friend has so dearly at heart?

**Diwan Bahadur T. Rangachariar:** We have not a land frontier of 700 miles with fanatic tribes.

**Sir Denys Bray:** I thank my Honourable friend. He has, though he forgets it, a frontier in Madras infinitely more vulnerable than the land frontier of the North West Frontier Province. And what enables him to forget it? The British Navy. In all India there is no frontier more vulnerable—were it not for the British Navy.

**Diwan Bahadur T. Rangachariar:** I do not deny that.

**Sir Denys Bray:** He forgets it, Sir; he forgets it, and I will prove it to him. He says how can this Frontier Province have its own Reforms? How can this deficit province that cannot pay its way . . . .

**Diwan Bahadur T. Rangachariar:** Isolated frontier.

**Sir Denys Bray:** Who pays the mighty bill for the protection of the frontiers of Madras?

**Maulvi Muhammad Yakub:** The Navy.

**Sir Denys Bray:** Is the British Navy to dictate what form the Reforms in Madras shall take?

**Diwan Bahadur T. Rangachariar:** Does the Madras Council pass the Navy's Budget?

**Sir Denys Bray:** I say again that the Honourable Member has forgotten his own frontiers. And it is not only the British Navy, but also the North West Frontier that enables him to forget these vital factors in India's problem.

**Mr. M. A. Jinnah:** And to argue his cases in the High Court!

**An Honourable Member:** Who sank the *Emden*?

**Sir Denys Bray:** I will just turn in passing to one very notable example of the use—may I say the misuse?—he made of his extracts and fragments from his records. He made great play with the evidence produced before us by Mr. Gul Khan. Now I know Mr. Gul Khan well. Twenty or twenty-five years ago I knew him as a youth of great promise. He wrecked his life by what I will charitably call a lapse of an unbalanced mind. During the War he got his opportunity to make good again. Of the use he made of that opportunity I will say nothing. I will only say this: in order to make use of the opportunity offered him, he had to come back from refuge into British India. And to treat the wild outpourings of a man like that—outpourings made under the goad of very skillful cross-examination—to treat such outpourings as representative of the feelings of the great Pathan nation is as wrong as to treat the inflammatory and libellous vituperations of certain Hindus of Dera Ismail Khan in those resolutions and telegrams which have reached us all, as characteristic of that very fine body of men, the old Hindu families of the Frontier.

**Diwan Bahadur T. Rangachariar:** I hope you are right.

**Sir Denys Bray:** I know I am right.

**Diwan Bahadur T. Rangachariar:** I have not got that knowledge.

**Sir Denys Bray:** I will pass by his remarks on the financial difficulties.

**Diwan Bahadur T. Rangachariar:** Why?

**Sir Denys Bray:** Because, Sir, I am modest. I am ill qualified to deal with these high financial matters. But I make bold to believe that if he will go and study the case with our financial advisers, he will find that a much more searching analysis than he gave them is needed before you can separate the figures of the North West Frontier Budget into those which relate purely to provincial matters and those that are of Imperial concern.

**Diwan Bahadur T. Rangachariar:** I have done my best.

**Sir Denys Bray:** I agree, but his best is not quite good enough.

**Diwan Bahadur T. Rangachariar:** I do not claim infallibility.

**Sir Denys Bray:** But when he proceeds to argue, as he seemed to me to argue, that the financial difficulties become quite insuperable, then I for one take my stand for once with Mr. Jinnah. I do wish, and I would like to say it again to both my Honourable friends from Madras, I do wish that they would view this and all other aspects of the frontier problem through spectacles other than those of Madras.

**Diwan Bahadur T. Rangachariar:** We cannot help it; we were born in Madras.

**Sir Denys Bray:** There is every excuse for Sir Sivaswamy Aiyer. He has not been to the Frontier. But there is no such excuse for my friend Mr. Rangachariar who has. I wish he would not content himself with that flying visit of ours. Let him go again. Let him go there every time he comes as far north as Delhi.

**Diwan Bahadur T. Rangachariar:** Provided you escort me.

**Sir Denys Bray:** I guarantee it will drive away from his mind some of those fumes which seem to possess him, the fumes of the intoxication of large numbers. He compared the population of the Frontier with the population of his own district in Madras. As if the two were in any degree comparable! Let him go again to the Frontier, and he will see there a people homogeneous in a sense in which as far as I know, no people in any province of India is homogeneous.

**Diwan Bahadur T. Rangachariar:** I do not deny that.

**Sir Denys Bray:** A people that counts, a people that includes no one that does not count,—no submerged tenths, no untouchables. Let him go to the Frontier and learn a lesson—a Frontier free from untouchability, that most awful example of man's inhumanity to man, that negation, that negation of all that is best in democracy. (Applause.) He will find none of it there. On the frontier every man counts. Every man is called upon there to do a very stern duty.

**Mr. K. Ahmed:** Do they paint their foreheads there?

**Sir Denys Bray:** I will pass by much of value in the Honourable Member's speech, commending it again to my Honourable friend Mr. Jinnah whose study of the problem is still incomplete. I will mention one thing only, one argument, one underlying argument only in his speech which jarred on me. He harped again and again on the affinities in race and religion of our fellow-subjects in the districts with our fellow-Indians in the frontier tracts . . . .

**Diwan Bahadur T. Rangachariar:** Indians?

**Sir Denys Bray:** *Indians* in the frontier tracts and with the citizens of our friendly frontier neighbour, Afghanistan. And the conclusion he drew from these affinities is an awful warning against including the Frontier Province within the ordinary purview of Reforms—I had almost said of British India. A devastating argument! Possibly an argument that frightens a Foreign Secretary more than anybody else.

**Diwan Bahadur T. Rangachariar:** I hope so.

**Sir Denys Bray:** Does my Honourable friend *really* mean to carry that argument to its logical conclusion? Are the Hindus in districts that abut on an independent Hindu kingdom, are Buddhists in districts that abut upon an independent Buddhist kingdom, are men of Mongolian race that abut upon a Mongolian kingdom, to be outcasted from the Reforms? The thing, Sir, is ludicrous. The argument is not only devastating, it is—I cannot find the word!

**Diwan Bahadur T. Rangachariar:** I did not say that no Reforms should be given at all. I say "Let them have the Reforms with us and not as an isolated bit of India".

**Sir Denys Bray:** And what is my Honourable friend's constructive contribution to this debate? What indeed! Except the old outworn cry of amalgamation with the Punjab? Again I am wrong. Even that is not his constructive contribution: else he would have introduced his amendment for judicial amalgamation at the very least, which is down on the paper, but over which he has thought fit to keep silent!

**Mr. President:** The original Resolution was:

"That this Assembly recommends to the Governor General in Council that he be pleased to extend to the North West Frontier Province the provisions of the Government of India Act which relate to Legislative Councils and the appointment of Ministers, etc., with protection to the minorities."

Since which the following two amendments have been moved:

"That for the original Resolution the following be substituted:

'This Assembly recommends to the Governor General in Council that he be pleased to arrange to amalgamate the settled districts of the North West Frontier Province with the Punjab in order to secure for the people of these districts the benefit of the Reforms.'

and

"That for the words 'extend to the North West Frontier Province the provisions of the Government of India Act which relate to Legislative Councils and the appointment of Ministers' the following be substituted:

'introduce in the North West Frontier Province an unitary and autonomous responsible Government with full protection for minorities, subject to the general control and residuary powers of the Central Government in inter-provincial and all-India matters'."

The question is that the original Resolution be adopted.

The motion was adopted.

#### RESOLUTION *RE* TRAINING OF INDIANS FOR NAUTICAL CAREERS, ETC.

**Sir P. S. Sivaswamy Aiyer** (Madras: Nominated Non-Official): Sir, I beg to move the following Resolution which stands against my name:

"This Assembly recommends to the Governor General in Council that he will be pleased:

- (a) to recognise the need for the training of Indians for nautical careers, and encouraging the creation of an Indian Mercantile Marine.
- (b) to accept the policy and measures recommended by the Indian Mercantile Marine Committee.

**Diwan Bahadur T. Rangachariar** (Madras City: Non-Muhammadan Urban): May I with your permission, Sir, having regard to the fact that the popular representatives who were present till now in the House have just left the House at the time when a most important issue is being taken up, ask that the debate on this question be adjourned?

**Mr. President:** Does the Honourable Member move it?

**Diwan Bahadur T. Rangachariar:** I move it. It appears to me disastrous that a national issue of this importance should be debated in an empty House, and therefore I move it.

**Mr. President:** The Honourable Member has not put the Resolution before the House yet. A motion for adjournment of the debate can only be moved after the Resolution has been formally moved. Let the Honourable Member move his Resolution formally, and then the Honourable Member will be entitled to move the adjournment of the debate.

**Sir P. S. Sivaswamy Aiyer:** The Resolution which I beg to move runs as follows:

"This Assembly recommends to the Governor General in Council that he will be pleased:

- (a) to recognise the need for the training of Indians for nautical careers, and encouraging the creation of an Indian Mercantile Marine,
- (b) to accept the policy and measures recommended by the Indian Mercantile Marine Committee,
- (c) to take early steps for the training of Indians in a suitable training ship in Indian waters, for the provision of facilities for their further training as apprentices in mercantile marine ships, and for their employment after completion of training,
- (d) to arrange for the establishment of primary nautical schools in selected maritime stations, and the introduction of Marine Engineering as a subject of instruction in the Engineering College at Sibpur, and
- (e) to announce his intention to adopt in the near future a system of licensing in respect of the coastal trade of India."

**Diwan Bahadur T. Rangachariar:** Sir, my Honourable friend having moved his Resolution, I propose that the further proceedings on it be adjourned till the September Session. I move so accordingly, as I find that on an important issue of this character the House is empty practically and Honourable Members who were here now have left it, and I think it is but right that we should adjourn this debate.

**Mr. President:** Till when?

**Diwan Bahadur T. Rangachariar:** Till September: to the Simla Session.

**The Honourable Sir Charles Innes** (Member for Commerce and Railways): May I speak on this motion, Sir? I rise to object to this motion made by my friend, Mr. Rangachariar. I realise the disappointment which has made my friend move his amendment. I should like to point out, however, having been told on all sides that this is a most important question, that the whole country is waiting to hear the position of the Government; and, Sir, I have gone to special pains to obtain from my Honourable friend, the Leader of the House, Government time for the discussion of this Resolution. Moreover, Sir, I am particularly anxious for the decision of the House on the question of the training ship and it would not by any means suit the Government that this Resolution should be adjourned till the September Session. I would have no objection to meet Honourable Members present, if it so pleases you, Sir, by consenting to an adjournment of the debate till Monday, when we can take it up; but, Sir, I must oppose the motion for adjournment till the September Session.

**Mr. President:** The position is quite clear. The Government are prepared to agree to the adjournment of the debate on this Resolution in so far as it relates to controversial subjects provided they are able to secure the decision of the House to-day on one point which is non-controversial.

**The Honourable Sir Charles Innes:** May I explain the position further, Sir?

**Diwan Bahadur T. Rangachariar:** In view of the remarks which fell from the Honourable the Commerce Member I withdraw my motion with your permission, Sir.

The motion was, by leave of the Assembly, withdrawn.

**Sir P. S. Sivaswamy Aiyer:** Sir, the subject matter of this Resolution was referred to a Committee in consequence of a Resolution passed by the Assembly in January, 1922. The terms of reference to the Committee were practically in accordance with the Resolution which I moved in January, 1922. They were to consider what measures could usefully be taken:

- (i) for the liberal recruitment of Indians as Deck or Executive Officers and Engineers in the Royal Indian Marine;
- (ii) for the establishment of a Nautical College in Indian waters for the purpose of training Executive Officers and Engineers of ships;
- (iii) for the creation of an adequate number of State scholarships for providing instruction in the Nautical Colleges and training ships, in England, pending the formation of a Nautical College in India;
- (iv) for the encouragement of ship-building and of the growth of an Indian Mercantile Marine by a system of bounties, subsidies and such other measures as have been adopted in Japan;
- (v) for the acquisition of training ships by gift from the Imperial Government or otherwise; and
- (vi) for the construction of the necessary dockyards and engineering workshops in one or more ports.

The Committee which was appointed more than a year after, in February, 1923, sent in its Report in March 1924, and till now practically no action has been taken upon that Report. This perhaps is another case illustrating the promptitude with which the Government of India are able to move in matters of this sort.

**Mr. W. S. J. Willson** (Associated Chambers of Commerce: Nominated Non-Official): Income-tax.

**Sir P. S. Sivaswamy Aiyer:** To some extent it has been due to the necessity for getting expert opinion upon some of the matters dealt with in the Report of the Mercantile Marine Committee. That Report goes into all the matters referred to them in the order of reference, and their recommendations are briefly these. They recommended the establishment of a training ship in Indian waters for the purpose of training young men as deck officers, and they recommended the establishment of the ship in

Bombay. But since then expert opinion has been called for by the Government, and Captain Sayer, the expert sent for, has recommended that Karachi should be selected as the place where the training ship should be stationed. In other respects, the recommendations of the Committee were concurred in by him, though he prefers a system of scholarships to the establishment of a training ship. I will briefly refer to the recommendations of the Committee which are scattered throughout the Report. They do not summarise their recommendations at the end of their Report, and I have therefore to refer to the different parts of their Report. In paragraph 15 they say:

"The Secretary of State in Council might be asked to extend the same facilities to selected cadets from the Indian training ship to join the Bengal Pilot Service as is at present extended to cadets from the *Conway*, *Worcester*, and *Pangbourne*."

Then they proceed to consider how employment may be provided for cadets who pass through this training course and pass the necessary examinations, and they deal with it in paragraph 23 of their Report. They say that:

"having provided for the education and training of young Indians for sea life, it is necessary to consider what their prospects should be of obtaining employment."

They made inquiries of various shipping companies and they ascertained that the shipping companies were prepared to employ young Indians as officers on board their ships provided they proved efficient and satisfactory as apprentices and successfully passed the Board of Trade examinations. Then with regard to the question of the subsequent passing of the Board of Trade examinations by these apprentices, they recommended that certain classes for the coaching of officers should be established in the large Government colleges in first class ports. Then again they proceed to consider the question of engineers. They suggested that instruction should be provided in one or other of the engineering colleges in India, and that the subject of Marine Engineering should be included in the course of instruction in some one of these colleges. As to further training they suggested that facilities should be provided for this purpose also by the steamship companies who have expressed their willingness to take Indians as deck officers. As regards the subsequent employment of trained engineers, they hoped that trained Indians would be taken by some of these steamship companies as engineers provided they possessed the necessary qualifications.

Then they proceed to consider the question how an Indian Mercantile Marine should be developed. They considered this subject at length, and they recommend various measures calculated to lead to the establishment of an Indian Mercantile Marine. Among other things, they recommend a system of licensing ships to be allowed to ply along the coast of this country. They adduce several reasons for the introduction of licensing, (1) because it would enable the Government to impose some conditions with regard to the taking of apprentices and the employment of trained Indians as deck officers or as engineers on board their ships, and (2) because it might also enable the Government later on to insist, if they consider it fit, upon the condition that a certain proportion of the capital and management should be in the hands of Indians. They do not suggest any immediate reservation of the coastal trade for Indian ships, but they think that a notification should be issued now by the Government that after a

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certain time the licensing system will be adopted. This notification will have the effect of preventing any vested rights subsequently accruing and interfering with the imposition by the Government at a later stage, should they desire to do so, of restrictions upon shipping companies desirous of engaging in the coastal trade. These are the main recommendations of the Committee. They also make certain proposals for the acquisition of a number of ships from the existing companies with the aid of Government.

Now, the Resolution which I have given notice of merely puts forward those recommendations of the Mercantile Marine Committee which, I thought, were likely to be acceptable. So far as the question of the training of Indians was concerned, I thought there was no likelihood of any objection to that recommendation. As regards the question of a notification in regard to the future introduction of a system of licensing, I consider it personally of great importance. It does not now commit the Government to any intention to reserve the coastal trade, but it merely secures to them freedom of action if they should in future decide upon imposing any restrictions. I do not in my Resolution go into any of the other matters covered by the Report of the Mercantile Marine Committee which might perhaps be considered to be of a controversial character. With regard to the reservation of coastal trade, the Committee was not inclined to express any very positive opinion at present. They referred to the experiment which has been tried in Australia. Since the publication of the Report of the Mercantile Marine Committee, the Report of that Royal Commission in Australia on the effect of the Navigation Act has been published, but it is not possible to say what exactly is the lesson to be derived from the experience of Australia. There are at least three sets of opinions in the Report of the Australian Commission. Two members of the Commission were for repealing the reservation of the coastal trade, three members were for the maintenance of reservation of the coastal trade and two members wanted something else to be substituted in place of the existing reservation with the object of promoting the interests of Australian ships. Therefore, I do not wish to go into the question of the immediate reservation of the coastal trade. All that I ask in this Resolution is that the Government should only announce their intention to adopt in the near future a system of licensing in respect of the coastal trade. I hope that the Government may, if not now, at any rate in the near future, find it possible to accept this part of my Resolution. The Government, I know, have not been altogether sleeping over this question. They have consulted experts as to the courses of training in the training ship and allied matters and I believe they are now prepared to start a training school. What I wish to have also introduced is the provision of a course of Marine Engineering in one or other of the Engineering Colleges, either at Sibpur or Bombay or Karachi. I have suggested Sibpur because here the College is situated on the banks of the Hooghly and Calcutta can perhaps offer greater facilities for the teaching of Marine Engineering than Karachi or Bombay. However, that is a matter of detail. I hope the Government will find it possible to make an early move on the recommendations of the Mercantile Marine Committee not merely in the direction of starting a training ship but also in the direction of introducing the subject of Marine Engineering in one of the Engineering Colleges, and also in the matter of publishing a notification announcing their intention to issue coastal licences. With these words I move my Resolution.



**Mr. President:** The Honourable Member (addressing the Honourable Sir Charles Innes) will realise that this Resolution involves several subjects of a highly controversial character and, in view of the fact that the opposition Benches are almost empty, Government should agree to adjourn the debate till at least the next Session. The Chair has no objection to the Government taking the decision of the House to-day on such parts of the Resolution as are non-controversial.

**The Honourable Sir Charles Innes:** Sir, perhaps you will allow me to explain my position in this matter. Ever since the Indian Mercantile Marine Committee's Report came out, there has been a great deal of what I might call propaganda in the country in favour of the reservation of the Indian coasting\*trade. I feel that so far the country has not been brought into contact with the facts on that subject, and I wish, Sir, to take this opportunity of examining the proposition as dispassionately as I can. I hope, Sir, that you will indulge me so far. It will be quite impossible, I agree, for me to deal with all the points raised in Sir Sivaswamy Aiyer's very comprehensive Resolution, and I have no intention of trying to do so to-night. The objective of Sir Sivaswamy Aiyer as also of the Indian Mercantile Marine Committee is the establishment of an Indian mercantile marine. The Committee made two important sets of recommendations with that object in view. One set of recommendations dealt with training and the other set of recommendations dealt with the reservation of the coasting trade. It is perfectly true that, as Sir Sivaswamy Aiyer has said, the proposed system of licensing was to come in force only on a date to be notified, but the whole principle of that recommendation was reservation. And, Sir, I propose to address myself to these two points only.

I propose first to take up the question of reservation. I should like to say that we on the Government side recognise the reasons behind not only the Mercantile Marine Committee's Report but also behind Sir Sivaswamy Aiyer's Resolution. We recognise that it is perfectly legitimate, perfectly natural, that the people of India should desire to have a mercantile marine of their own. We recognise also that the training of officers for the Indian mercantile marine is a very long process and that men who are trained for that career must have some reasonable prospect of an opening. We recognise further that Indian companies, as things are at present, have difficulty in forcing their way into the coasting trade. Those, Sir, I think, quite briefly are the main reasons behind Sir Sivaswamy Aiyer's Resolution and behind the proposal to reserve the coasting trade. But, Sir, I would point out that the main recommendation of the Mercantile Marine Committee, that recommendation which deals with the reservation of the coasting trade, raises a big question of principle. I am quite prepared to admit that if we admit at all the principle of expropriation, it could not be worked out in a more considerate manner than that suggested by the Committee of which Mr. Rangachariar was so distinguished a member. I am quite prepared to admit that. But, nevertheless, I beg the House to observe that the proposals of the Indian Mercantile Marine Committee in regard to the reservation of the coasting trade do admit the principle of expropriation, and I think everybody will agree that Government must scrutinise that principle with great care, because, once you admit on the Statute-book an Act which embodies the principle that it is right to squeeze out, or depreciate the property of, those who have built up a trade or industry in order that others may succeed to it, one does not know to what lengths that principle may be carried. I am perfectly

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well aware that it will be said that in the case of the Indian mercantile marine reasons of high national importance justify a course of that kind. But I would point out to the House that not long after the Indian Mercantile Marine Committee's Report had been published, we received from Calcutta a request that steps should be taken similarly to reserve inland water navigation in India. And here again, the same argument of national interest was advanced. Once you admit that principle, what I fear is that it will give rise to similar demands in respect of other industries like oil, coal or whatever it may be, and that is the reason why, as I said, the Government have been compelled to devote a long time to examining this proposal in all its aspects. I am quite aware that other nations have reserved their coasting trade and have thereby admitted the principle of expropriation. Why have they done so? I take it as axiomatic, and I think that nobody will disagree with me, when I say that the reservation of the coasting trade to your own nationals must involve your country in economic loss, even though such loss may be concealed. Why, then, have other countries, other nations, thought it necessary to reserve their coasting trade? It is because they thought that in the long run it would pay them to take that course in the interests of their own safety. They had to take that course because in time of war they might want their own mercantile marine to feed their people and because they wanted that marine as a second line to their own navy. All I need say on that point is this, that India is fortunate in that that overmastering necessity is not present in this country. India's shores are protected for her by the British Navy, and in time of war, she can always rely upon the British Navy, so long as the British Navy commands the seas, to protect her communications and her trade. It might also be said that in the long run it would be in the interests of the Empire that we should have an Indian mercantile marine, and that the Indian mercantile marine would act as an additional second line to our British Navy. I quite see the force of that argument, but there are two points against it. In the first place, reservation introduces a principle new to British law, new, that is to say, in the sense that it has never been acted upon except in war time. For it makes a distinction between ships owned in a country and ships registered in a country. The principle now followed is that the status of a ship, until the contrary is proved, is determined by her registry. That seems a very technical point, but I can assure the House that it is a point to which the highest importance is attached in shipping circles. Then, again, another grave objection to the proposal is that it admits the principle of flag discrimination, that is to say, if it is carried out, it makes a distinction between ships mainly owned in India and mainly owned outside India. That, as I say, is flag discrimination, and it is a fundamental point of Empire policy that flag discrimination should be opposed in every part of the British Empire. I know it will be said that Australia has admitted flag discrimination in its Navigation Act. There is no flag discrimination in the coastal provisions of the Australian Act. Under what are called the coastal provisions of that Act any ship, provided it complies with the Australian regulations regarding wages, manning scales, and the like, is eligible for a license to engage in the Australian coasting trade. But it may be said that this is a matter of such national importance to India that India must take her own line. That brings me to the main point of my speech. If that is the argument, then we have to count the

cost, and we have to balance considerations of national sentiment on the one hand and economic considerations and interests on the other. This is the most difficult part of my task, for I do not suppose that there is any subject in the world which is less understood of the general than shipping economics. That is why I said just now that it was necessary that we should try to get into contact with facts. The Indian Mercantile Marine Committee practically gave up this part of the subject. I do not blame them. It is a very difficult subject, and they were working against time. But I would like to read to the House what they said on the point:

"We do not consider it possible to say at this stage whether reservation of the Indian coasting trade for shipping companies which are predominantly Indian in character is likely to be beneficial to India or not, for the simple reason that there are no data at present on which a satisfactory conclusion can be based."

That is one of the reasons why we in the Commerce Department have taken time over this difficult subject. It is a subject which is literally of vital importance, and we have thought it our duty in the last two years to devote the very closest attention to studying what would be the economic effects on India if we were to adopt this policy of reserving the coasting trade.

Let me give the House very briefly the experience of some other countries. I will take Chili for example. Chili reserved her coasting trade in 1922. I am prepared to admit that she gave only short notice, but the immediate effect was that coasting freights rose by 100 per cent. There were such complaints from the traders that a special Commission was appointed to try to effect an agreement between the shipping companies on the one hand and shippers on the other, and as the result of heroic efforts on the part of that Commission, they did manage to get a reduction of freights. But nevertheless, even after all the labours of that Commission, the freight rates remained 50 per cent. higher than they were before the coasting trade was reserved. It costs, I have seen it stated, 36*sh.* a ton to ship wheat 700 miles round the coast of Chili, and it costs 30*sh.* a ton to ship it 7,900 miles from Chili to the United Kingdom! Then, again, let me take Algiers. France has reserved her coasting trade, and Algiers falls within the ban. The policy in this matter has given rise to much discontent in Algiers, and I have seen complaints ventilated in Algiers to the effect that this policy of France costs the Algerian producers 36 million francs a year. It is also said that it maintains the freight rates at 20 per cent. above the normal. But the most interesting experience of all, because it is the most recent experience, is that of Australia. As I have explained to the House, ships may not operate in the Australian coasting trade unless they comply with the Australian rules and regulations in regard to wages, manning scales, accommodation and the like. This law was passed in 1912. For two reasons, the War being one of them, the law was not put into effect until the 1st July, 1921. The immediate result was an outcry on the part of almost every economic interest in Australia, and only two years later in 1923, a Commission had to be appointed "to inquire into and report upon the effect of the operation of the Act upon Australian trade and industry." My Honourable friend, Sir Sivaswamy Aiyer, says that there is not much help to be derived from that report. I disagree entirely. It is perfectly true that the Report is not a unanimous one. There were seven commissioners. Three recommended that, come what may, the coastal provisions of the Act should be retained.

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Four other Commissioners recommended that the coastal provisions of the Act should be repealed. Two of those four Commissioners piled up an absolutely overwhelming indictment against the coastal provisions. They said that the Act had curtailed shipping facilities, had resulted in higher freights and had had an injurious effect on industry. The other two gave a much more guarded opinion, but their final conclusion was that there is:

"ample evidence to establish the fact that the coastal provisions of the Navigation Act are to some extent acting detrimentally to the trade, industry and development of Australia."

Then the Commission was sent on to New Guinea and Papua. The coastal provisions of the Act had been extended to those two Islands. They had caused great resentment and discontent in the Islands, and the Commission went on to examine the effect of the coastal provisions there. The significant fact is that Mr. Yates, one of the gentlemen who signed the minority report of the Commission in so far as the Report related to Australia proper, admitted that the policy had imposed a heavy economic burden upon these two Islands, and in the event these two Islands were exempted from the coastal provisions of the Navigation Act. Then, again, one of the most significant features of the Australian experience is the indignation that the coastal provisions of the Navigation Act have caused in Tasmania, and I beg the House to observe in this matter that there might very well be a very close parallel between Tasmania in relation to Australia and Burma in relation to India. At any rate, a separate Committee was appointed to inquire into the various Tasmanian disabilities under the Australian Federation, and I will just quote one extract from the Report of that Committee. They said in regard to the Navigation Act:

"The encouragement of an Australian Mercantile Marine through the Navigation Act policy is a worthy object, but it cannot be carried on without considerable expense. . . . A totally disproportionate share of burden falls on Tasmania."

Then let me refer to the sort of evidence that was placed before this Australian Commission. The most striking part of that evidence was that given by the President of the Australian Tariff Board. The President of the Board of course is charged with the carrying out of the Australian policy for developing Australian industry. Let me read what the President of the Tariff Board said. He said:

"Much of the benefit conceded by the tariff is lost through the additional cost in freight on Australian goods."

Then, again, let me quote to the House an extract from the evidence of the President of the Associated Chambers of Commerce of  
4 P.M. Australia:

"The effect of the Act has undoubtedly been to diminish facilities for communication and distribution between the States and at this present juncture at any rate this is very detrimental to interests of producers."

The same sort of evidence was given by the representative before the Commission of the Australian Meat Council, and the significant part of his evidence was that, as a result of the working of the coastal provisions

of the Navigation Act, all forward business in meat had become impossible. As I have explained, the greatest opposition to the coastal provisions of the Act is found in Tasmania. In Hobart the Commission found:

"not merely an outcry by one section of community but a general feeling of revolt against legislation which threatens their economic welfare."

Now, I think, it may fairly be said that as the result of the experience gained in the few years in which these coastal provisions of the Navigation Act have been in force in Australia, we may arrive at the following conclusions. The general result has been to send up freights on the coast or to maintain them at a high level, to curtail shipping facilities, and to impose disabilities on shippers and producers. Again, one of the complaints most frequently made against the Act is that reservation means Government control and Government control invariably means inelasticity and rigidity; and in the shipping business that is one of the things that you have to fear most.

Now, I have gone briefly through the Australian experience because I think that we have got to try to apply these lessons to India. We have got to try to see how, if we were to reserve the coasting trade in the manner in which it has been proposed to be reserved by the Indian Mercantile Marine Committee, it would affect our own Indian trade, and this is the task which has taken us so much time in the Commerce Department. We began by making a very careful analysis of the volume of the coasting trade in India in 1923-24. We took out from each port the amount of cargo loaded in that port for conveyance to another Indian port, and we found that the total amount of goods loaded in Indian ports in 1923-24 for carriage to other Indian ports amounted to about  $3\frac{1}{2}$  million tons. Let us see what the average freight on this  $3\frac{1}{2}$  million tons would be. It has been put by one person as high as Rs. 20 a ton. That is too high. I will assume that the average freight is Rs. 10 a ton. Now let us assume that as a result of the reservation of the coasting trade you increase freight rates in India merely and to the same extent as in Algiers, namely, by 20 per cent. Mind you, Algerian experience has been favourable in comparison with other parts of the world. But I take a low figure and will assume that the increase will come only to 20 per cent. That means that the direct loss to India on a trade of  $3\frac{1}{2}$  million tons a year would amount to 70 lakhs a year. That is what you would have to pay in the shape of increased freights, but it is just the beginning of things.

Then, Sir, I should like the House to consider the origin or rather the distribution of these  $3\frac{1}{2}$  million tons. It is as follows: 1,263,000 tons originated in Rangoon and Burman ports; 1,300,000 tons originated in Calcutta and Chittagong. That is to say, two-thirds of your coasting trade originates in Burma and Bengal. The only important shipping company existing at present is in Bombay and the drive for an Indian mercantile marine comes very largely from Bombay. If there is any gain to be got out of it, it will go to Bombay. But the price is going to be paid by Burma and Bengal. Again, Sir, let us examine what the composition of this trade is. I have figures here, and they are rather interesting. Oil from Burma, kerosene for the most part, accounts for 610,000 tons; coal from Calcutta accounts for 959,000 tons, rice from Burma accounts for 384,000 tons, and other food grains account for 608,000 tons. That is to say, out of  $3\frac{1}{2}$  million tons  $2\frac{1}{2}$  million tons consist of oil, coal, rice and

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other food grains. Those are just the very commodities of which you should do nothing to put up the price. We have heard a lot in recent years about coal. We have been told that coal from Calcutta cannot compete with coal from South Africa in Bombay. Now, at present the coal trade by sea is a free trade. At any time a tramp can come in and take a cargo of coal from Calcutta to Bombay. If this reservation proposal were carried out, that would become impossible. You would place the coal trade of Calcutta at the mercy of a limited number of ships. As I have shown, if we are to trust the experience of other countries, the inevitable result would be an increase of freight. And, Sir, how is the coal trade of Calcutta going to meet the competition from South Africa if that is the result? Oil is an even worse case, an even more difficult case. Mind you, it is kerosene oil from Burma which lights the house of almost every one in India. At present, as is always the case, the Oil Company owns its own fleet of tankers. It is enabled thereby to control the price from the time it brings out the oil from the ground till the time it is sold to the retail shop. Is it seriously suggested that that Oil Company should not be allowed to own its own tankers and that it should have to make over its tanker fleet to a separate company constituted in the way that the Indian Mercantile Marine Committee proposes? If so, then you cut right across the whole of the channel of distribution of the Oil Companies. You take away their control over prices for you place them at the mercy of the company which owns the tankers. Again, I would draw the attention of the House to the fact that apart from oil and coal, the greater part of the coasting trade of India consists of rice and other food grains. I put it to the House: Should we lightly do anything which would put up the cost of rice and food grains?

Again, Sir, I should like the House to consider the effect of this proposal on the smaller ports. Mr. Rangachariar comes from the Madras Presidency. He has been told that more than once to-day. Mr. Rangachariar knows that many of the ports in the Madras Presidency are very small ports. He knows that it is a very common practice, say, for an Asiatic or a B. I. steamer to come to Tuticorin to load, say, a certain amount of cotton for England, then to go to Cochin for a load of copra or ginger or whatever it may be, then to go to Calicut and take on more cargo and then to clear for home. At present these steamers, as they go from coast port to coast port, carry cargo from one port to another. As a rule, this inter-portal cargo is small. One of the features of these small Madras ports is that very often they have quite a considerable foreign trade and quite a small coasting trade. At present the steamers which take their foreign trade also take their coasting trade. If this proposal is carried out that would be impossible. The foreign-going ships coming along would be confined to taking cargo to foreign countries, and the inter-portal cargo would have to remain until a licensed ship came along. You would have two ships doing the work of one. That means waste of economic power, and you have always to pay for waste. If you assume that the average capacity of a coasting steamer is 7,500 tons dead-weight cargo, then a single steamer taking two trips could lift the whole of the coastal cargo offering in a year at each of the three ports, Madras, Mangalore and Tuticorin. Four trips in a year would be sufficient for Calicut, six for Chittagong and eight for Cochin. That shows what an

advantage it is for shippers in these ports who have small lots of cargo to be able to ship it by any ship that comes along, instead of having to wait for a licensed ship.

The coasting trade of India again is largely a seasonal trade. If you exclude the oil trade, we have worked out that for the coasting trade of India you require something like 65 steamers of an average deadweight capacity of 7,500 tons. That is the maximum. But in the slack season the requirements drop to 39 steamers. I should like the House to note the dilemma we should get into. I take it as axiomatic that if you close your coasting trade your ships will be confined to their sheltered waters. If then your licensed fleet was sufficient to cope with the trade in the busy months you would require 65 steamers, but of those 65 steamers, 26 would be laid up in the slack months of the year. Interest charges, overhead charges would still run on, and you would have to pay those interest charges by enhancement of freights.

**Mr. W. S. J. Willson:** Do the 65 include oil steamers?

**The Honourable Sir Charles Innes:** No, excluding oil steamers. Supposing, on the other hand, you have a fleet only big enough to cope with the trade in the slack season. It would not be sufficient to carry traffic in the busy season. At present you have no difficulties of that kind. The large steamship companies which serve the coasting trade of India are not based on India alone. When our coasting trade is slack they move their ships off to East Africa or China or wherever else it may be. When the trade brisk up again, they bring their steamers back to the coast. Thus you get a perfectly elastic system which is exactly suited to India's requirements. If you were to have a fleet of licensed steamers, you would lose this advantage. Either it would be too big for all the year round, which would mean higher freights. Or it would be too small and you would have to get additional help in the busy season. I presume you would have to do what they try to do in Australia. You would have to admit outside ships when necessary by special permit, and that has been one of the greatest difficulties in the Australian Act. A representative of the Australian Meat Council gave very clear evidence on that particular point. He complained that great difficulty was experienced, and that you could never be sure whether you were going to get a permit at all or whether you would get one in time. You had to go to a Government office for the permit and there was always delay in getting it. The result was that in the Australian meat trade the effect of the coastal provisions had been to make forward business absolutely impossible. Just imagine what it would mean, for instance, for the Burma rice trade if Burma merchants could not do forward business, if they could never be sure of shipping their rice in the busy season because they never could be sure whether additional tonnage was going to be supplied under permit.

I have now given the House in outline the result of a perfectly dispassionate, impartial investigation into the problem on the economic side. Viewed as an economic proposition, the result of reservation must be that freights must go up and that the enhanced freights would fall mainly on essential commodities like oil, coal, rice and food grains. There would be a curtailment of shipping facilities which would react with special severity on minor ports, and owing to the seasonal character of India's trade you would be driven to some kind of permit system with the result that forward business would be gravely hampered. The final result is that viewed

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solely as an economic proposition the reservation of our coasting trade would be, as it has been found to be in Australia, bad for India's trade, bad for India's industries and bad for the industrial development of India. The burden would fall mainly on Burma and Bengal. These, Sir, are some of the reasons why after the most careful consideration the Government of India do not think that this proposal to license the coasting trade of India should be accepted. We recognize that there is a good deal of sentiment in favour of facilitating the creation of an Indian mercantile marine, and that the Indian Mercantile Marine Committee proposed reservation as the shortest cut to getting an Indian mercantile marine, but if you think out carefully the economic consequences of the policy proposed you will find that you will place upon your own trade and your own industries a very severe burden. We think that there is no justification for doing that.

What we are prepared to do is that we are prepared to take up the question of the training of Indian officers. I may explain that we have not so far gone very deeply into the question of training engineer officers. We regard that as not so difficult a question as the training of deck officers. As an illustration of what I say I may instance the fact that whereas one company in India has already got quite a number of certificated engineers who are Indian Christians or Parsis, they have only got one Indian deck officer. The House will agree with me that the urgent question is how to train deck officers, and it is a much more difficult question.

**Sir P. S. Sivaswamy Aiyer:** But they are not educated engineers, the Parsis.

**The Honourable Sir Charles Innes:** I would like to explain that we will take that question up with our departmental committee. What I want the decision of the House on to-day is on the question of the training of deck officers. This, as I have said, is a very difficult question. All Honourable Members have no doubt read the report of Captain Sayer's Committee, and Captain Sayer has suggested that the most practical way of starting would be to send boys to the *Worcester* or the *Conway*, but at the same time he has put up a more or less complete scheme for a training ship in Indian waters. The real matter on which I want the decision of the House is whether we should go in for a training ship in Indian waters or adopt the method of sending boys home. If the House wishes to decide in favour of a training ship in Indian waters, I think they ought first to realise what the difficulties are. I will indicate them very briefly. The first point is always that there must be a doubt whether Indian boys of the right class will come forward for training. By the right class I mean boys of the middle class. Everyone knows that Indian lascars are first class seamen, but those lascars have not the necessary education and we do not know whether they have the necessary power of command for deck officers.

**Mr. K. Ahmed** (Rajshahi Division: Muhammadan Rural): What did I say in my evidence?

**The Honourable Sir Charles Innes:** I am sorry I did not read the Honourable Member's evidence.



That is the first question whether boys of the right class will come forward. One has got to realize quite clearly what the obstacles in the way are. In the first place life on board ship, as Mr. Willson will tell you, is a rough life. There is rigorous discipline and it is a hard life which demands character. On board ship again, no caste distinctions of any sort are possible. I do not say for a moment that these difficulties will stop Indians from coming forward; all I say is we have to bear them in mind.

**Mr. K. Ahmed:** Indian seamen and lascars are quite fit and they were congratulated by Government themselves during the War. Look at the War Memorial erected in Calcutta in recognition of their services during the War.

**The Honourable Sir Charles Innes:** It is perfectly obvious to me that the Honourable Mr. Kabeer-ud-Din Ahmed does not understand the first thing about the subject I am talking of. Then again, Sir, there is the question of prospects of employment. You cannot expect middle class boys of decent education to come forward to be trained as deck officers unless they have some reasonable prospect of employment. The Indian Mercantile Marine Committee devoted some attention to that particular point. They obtained an assurance from all companies operating in the coasting trade of India, namely, the British India, the Asiatic, the Sindhia and the Moghul Lines, that they would be prepared to take Indians as apprentices and also to employ them as deck officers, provided they were efficient, satisfactory, properly trained and had successfully passed the Board of Trade qualifying examinations. Well, Sir, we have got that assurance, and naturally it will be our business to see that that assurance is worked up to. In addition there are prospects in the Bengal Pilot Service. Therefore, I think that, to begin with at any rate, the prospects are there, but in any case, and it is another point I want the House to realise, there will not be very many vacancies. I do not know whether the House knows how many deck officers in all are employed in ships engaged on the coasts of India. If you take it that there are 80 ships, including all ships engaged in the coastal trade, and if you take it that on cargo ships you require about four deck officers per ship, it means that the total number of deck officers required for the coasting trade of India is not more than 300 or 320, and I suppose the average rate of recruitment for the number of 320 men is not more than 10 or 12 per annum. Therefore, you are not likely to get more than 10 or 12, or possibly 15 vacancies a year even if they all go to Indians. Again, Sir, I want to bring another point out very clearly. As I have said just now, sea life is a hard life, and also I wish to make it perfectly clear that it is a very badly paid life. I have got some information as to the rates of pay of officers on cargo ships; these are cargo ships at home and the rates have been converted from sterling at 1s. 6d. to the rupee. The third officer gets from Rs. 150 to Rs. 180 per month; the second officer gets an average of Rs. 266 to Rs. 320 a month, and the chief officers an average of Rs. 350 to Rs. 400 a month, and the Master, taking ordinary cargo ships, gets from Rs. 533 to Rs. 800 a month, and he only obtains that magnificent salary of Rs. 533 to Rs. 800 after 15 or 16 years' service! That is a point which I think we ought to bear in mind. The pay on cargo ships is small. The chief officer of a ship draws about as much as, say, my shorthand writer. So we have still to solve the question as to whether a well educated Indian boy is likely to come forward for a hard life on the rates of

[Sir Charles Innes.]

pay which I have given. I have just explained that the maximum number of men that we could launch, in the most favourable circumstances, on a sea life could not be more than 12 or 15 a year. We could not maintain a training ship with a three-year course with 36 or 40 boys. We should have to have something like 90 to 100 boys on the ship. Therefore, you would pass out each year some 30 or 40 boys and only a portion of them would be able to get posts at sea. That of course is not an insuperable objection. It is a common experience at home with mercantile marine training ships and also with the Navy training ships that only a proportion of the boys who pass out actually go to sea; the others take shore jobs. And the sort of training you give on a ship of this kind is a training which would be useful to a boy in any walk of life. So, as I say, that is not an insuperable objection. At the same time it makes the cost to Government of the boys that you actually pass out for the sea a very high one, for we anticipate that this training ship will involve an initial outlay of something like three lakhs of rupees, and we anticipate also that if we have a training ship consisting of a three-year course turning out 30 boys a year, it will cost something like 2½ lakhs a year. These are provisional estimates; we shall have to check them more carefully later. If only 10 or 15 boys go to sea, each boy is going to cost us some Rs. 20,000. I have gone into all these details, not because I wish to throw cold water on the scheme but because I wish to make it clear that, if we do start a ship, and if we do I shall see that it is a good one, it is going to be an expensive matter. I do not want to suggest that the boys will not come forward, but there is a risk of that and I want the House to realise what they are letting themselves in for. The advantages of the alternative scheme of sending boys home for training are that, in the first place, you can select your boys at once and send them to England for training either on the *Worcester* or the *Conway*. And there is another great advantage. These boys, when they are trained, and when they become apprentices and officers in cargo ships, will have to mix with English boys, and it would give them a better start if they had been through precisely the same mill as the English boy, namely, through the *Worcester* or *Conway*. Those are the two main considerations I see in favour of Captain Sayer's alternative proposal for sending boys to England. It enables you to start quicker and it will probably give these boys a better start, and it is cheaper. On the other hand we do recognise that there are serious difficulties in the way of sending Indian boys of the age of 14 to England to go through the *Worcester* or *Conway*, and we are quite prepared, in fact we ourselves feel that the right way to set to work to train deck officers is by establishing our own training ship in India, and if the House will support me in this matter, that is what we propose to do. We have the *Dufferin* already and we are informed that, if on the large side, at any rate she will make a very suitable training ship. And so if the House, after counting the cost, is in favour of a training ship in Indian waters, we are quite prepared to take up that matter in earnest. I want the authorisation of the House because, if I get the authorisation of the House, then I hope we shall be able to get ahead in this next year. We shall have to prepare the estimates in rather more detail, but I think in any case we shall be able to make a start in the coming year. As I have explained, Sir, that is the point on which I really want the orders of the House. What I feel about this matter is this. This is the fag end of the Session and I do not suppose

the Assembly really wishes to discuss in any detail at this time of the year a very controversial question like the reservation of the coasting trade, and also I am sure the figures and figures which I have put before them have rather taken them by surprise and that they would like to consider them more at length; but I do want very much a decision from this House on the question of the training ship. I have consulted my friends on the opposite side of the House and all Parties, and they have all agreed with me that, if you would allow it, Sir, probably the best course would be merely for the House to express its opinion on the question of the training ship now and to adjourn the other points mentioned in Sir Sivaswamy Aiyer's Resolution till the September Session. I do not know whether you would allow me actually to move an amendment to that effect. I should like to explain that I have drafted an amendment in consultation with my friends on the opposite side, but I am entirely in your hands.

**Mr. President:** I understand that, so far as regards the question on which Government want a decision to-day, there is no difference of opinion between the Government and the other side?

**The Honourable Sir Charles Innes:** That is my impression.

**Mr. President:** And so far as the other questions raised by the Resolution are concerned, they are of a controversial character and, therefore, the Government agree to the adjournment of the debate on them.

**The Honourable Sir Charles Innes:** That is the idea; may I move?

**Mr. President:** Yes.

**The Honourable Sir Charles Innes:** Sir, I beg to move:

"That the debate on all the subjects covered by the Resolution except the proposed training ship be adjourned till the next Session, and that, as regards the training ship, the Assembly recommends to the Governor General in Council that the scheme for the establishment in Indian waters of a training ship for deck officers should be accepted in principle."

**Mr. President:** Amendment moved:

"That the debate on all subjects covered by the Resolution except the proposed training ship be adjourned till the next Session, and that, as regards the training ship, the Assembly recommends to the Governor General in Council that the scheme for the establishment in Indian waters of a training ship for deck officers should be accepted in principle."

(At this point Mr. B. Das rose in his seat.)

**Mr. President:** Does the Honourable Member wish to speak?

**Mr. K. Ahmed:** Some of us want to speak on the motion, Sir. Thereafter it may be adjourned.

**Mr. President:** I understood from Government that this was a question on which there was no difference of opinion between the Government and the non-officials, and I thought there was going to be no discussion.

**Mr. Harchandrai Vishindas** (Sind : Non-Muhammadian) : May I suggest, Sir, that this proposition in the Honourable Member's amendment, which refers to a question on which there is no difference of opinion, be put first, and then the adjournment question be put afterwards?

**Mr. President:** It is all the same. If the controversial matter is going to be adjourned, the debate will follow in the next Session or whenever it is taken up. So far as the non-controversial part is concerned, we might close the debate now. I will put the amendment moved by the Honourable Sir Charles Innes.

The motion was adopted.

The Assembly then adjourned till Eleven of the Clock on Monday, the 22nd March, 1926.





# LEGISLATIVE ASSEMBLY.

Monday, 22nd March, 1926.

The Assembly met in the Assembly Chamber at Eleven of the Clock, Mr. President in the Chair.

## QUESTIONS AND ANSWERS.

### TRANSFER OF ANTIQUARIAN FINDS IN SIND.

1326. \***Khan Bahadur W. M. Hussanally**: (a) Has the attention of Government been drawn to the telegram from Poona, dated 4th March, published in the *Indian Daily Mail* of March 7th, which reads "The Bharat Itihasa Samshodak Mandal, Poona, has passed the following resolution:

'We the Members of the Managing Committee strongly protest against any transfer of the antiquarian finds in Sind either originals or duplicates to any place in India on any condition whatsoever and urge the Government of India to take immediately all necessary steps to guard the claims of Indian scholars and historical research societies and museums'?"

(b) Will Government please state what orders have been passed by Government in the matter which has necessitated the above resolution?

(c) Do Government propose to remove the finds above-mentioned? If so, where and why?

(d) If not, what do Government propose to do with the finds?

**Mr. J. W. Bhore**: (a) Yes; but the protest was against the transfer of the finds to any place out of India.

(b) No orders have been passed by the Government of India.

(c) and (d). Nothing has yet been settled regarding the eventual disposal of the finds from Mohenjo-daro.

**Dr. K. G. Lohokare**: Do Government know that there is intense disappointment in India at this suggestion of removing the finds?

**Mr. J. W. Bhore**: I am not aware whether there is disappointment or not; but I have stated that Government have come to no conclusion in the matter, and the suggestion that removal will cause disappointment in this country will undoubtedly be borne in mind before any final conclusion is arrived at.

### RESERVATION OF CIVIL SURGEONCIES FOR EUROPEAN OFFICERS OF THE INDIAN MEDICAL SERVICE.

1327. \***Khan Bahadur W. M. Hussanally**: (a) Have Government issued any circular to Provincial Governments on the subject of reservation of Civil Surgeoncies for European Members of the I. M. S., which was criticised the other day in the Bombay Council as 'atrocious'? If so, will Government be pleased to place a copy of the same on the table?

(b) What is the total number of Civil Surgeoncies in India? How many of these have been reserved for Europeans, Anglo-Indians and Indians?

(c) Does the circular in question also affect the vested rights of Indian members of the I. M. S. already in service? If so, why?

(d) How many Civil Surgeoncies are there in the Bombay Presidency? How many of them are reserved for Europeans, Anglo-Indians and others separately?

(e) What is the European population of each of the Civil Surgeoncies reserved for Europeans and Anglo-Indians?

**Mr. J. W. Bhore:** The attention of the Honourable Member is drawn to my replies given on 1st February, 1926, to the supplementary questions to question No. 489. The Government of India are still considering the question and are not in a position to make any pronouncement on the subject at present.

#### REFUND OF EXCESS EXCISE DUTY PAID BY AHMEDABAD MILLOWNERS.

1328. **\*Mr. Kasturbhai Lalbhai:** (a) With reference to the answer given by the Honourable Sir Basil Blackett to question No. 607 by Mr. W. S. J. Willson, will the Government be pleased to state whether the representation made some time ago by the Ahmedabad Millowners' Association regarding excess excise duty paid by them would also be taken into consideration?

(b) Are the Government aware that it has been represented to the Secretary to the Government of India, Commerce Department, that Ahmedabad Mills were called upon to pay  $\frac{1}{2}$  per cent. to  $\frac{3}{4}$  per cent. more duty than Government could legitimately have collected?

(c) Will Government be pleased to state when they propose to announce a decision in this matter and whether a proper chance of representation will be given to those who have a grievance in this matter?

**Mr. A. H. Lloyd:** (a), (b) and (c). The Government of India are aware that the Ahmedabad Millowners' Association has in the past protested that some of the tariff values fixed under section 7 of the Cotton Duties Act were unduly high. There could, however, be no doubt of their legality. The complaints referred to in Mr. W. S. J. Willson's question No. 607 have been considered only in so far as they involved certain doubts as to the law and the Government of India are not prepared to refund any duty in cases where there is no doubt as to the legality of its collection.

**Mr. Kasturbhai Lalbhai:** Are Government aware that the Secretary to the Government of India in the Commerce Department was satisfied about the correctness of the statement made in part (b) and had promised to give due consideration to it when the proper time came?

**The Honourable Sir Charles Innes:** The Secretary in the Commerce Department did bring up this matter and it was considered.

**Mr. Kasturbhai Lalbhai:** What about the bleaching department to which the goods might have been issued by the mills and the duty paid to the Government while they have not been able to recover it from the consumers?



**Mr. A. H. Lloyd:** I have already said, Sir, that the Government of India are not prepared to refund any duty in cases where there is no doubt as to the legality of its collection.

**TERMINAL CHARGES LEVIED BY RAILWAYS ON GOODS TRAFFIC.**

1329. **\*Mr. Kasturbhai Lalbhai:** (a) Is it a fact that the Railway Board are inquiring into the reasonableness or otherwise of the terminal charges?

(b) If the answer be in the affirmative, will the Government be pleased to state when they propose to make any announcement on this subject and readjust these charges in the light of the inquiry?

(c) Will Government be pleased to state whether they propose to clearly define what items can be comprised under the terminal charges? If not, do they recognise the danger of different railway lines adopting different standards to the detriment of the commercial public?

**The Honourable Sir Charles Innes:** (a) and (b). The question of terminal charges levied on goods traffic is under examination by the Railways concerned and the result of that examination is awaited.

(c) The Honourable Member is referred to section 3 (14) of the Indian Railways Act, 1890.

**FREIGHT ON COAL FROM JHERRIA TO AHMEDABAD.**

1330. **\*Mr. Kasturbhai Lalbhai:** Will the Government be pleased to state the reasons for increasing the freight on coal by 33 per cent. from Jherria to Ahmedabad when the general increase was 30 per cent. and also for reducing from the 1st April by 8 per cent. only when the general reduction announced has been 10 per cent?

**The Honourable Sir Charles Innes:** I do not understand the Honourable Member's question. I presume that he is referring to my budget speech in which I gave average figures. The actual reduction that the Government have sanctioned is that on distances exceeding 400 miles the rates of freight for public coal should be reduced to the rate now in force for locomotive coal. On the average that means a reduction of about 10 per cent., but it does not mean a reduction of 10 per cent. in the case of every single station, and I should not have thought that it was necessary to explain this to the Honourable Member.

**Mr. Kasturbhai Lalbhai:** May I know the reason why in the case of Ahmedabad it has been only 8 per cent., while the general reduction has been 10 per cent.?

**The Honourable Sir Charles Innes:** The Honourable Member will find the reason in the answer I have just given.

**EXTENSION TO OTHER CHARITABLE INSTITUTIONS OF THE CONCESSION ALLOWED TO THE RED CROSS SOCIETY AND ST. JOHN'S AMBULANCE OF RECEIVING POST OFFICE CASH CERTIFICATES AS DONATIONS.**

1331. **\*Mr. Kasturbhai Lalbhai:** (a) Is it a fact that the Red Cross Societies and St. John's Ambulance are allowed to receive as donations postal certificates to any extent?

(b) If the answer is in affirmative, will the Government be pleased to state why the same right has not been extended to other charitable institutions?

**Mr. A. H. Lloyd:** (a) Yes, but the Honourable the Finance Member proposes to re-examine the concession.

(b) The concession was originally granted during the War to enable people to subscribe to deserving war funds who might find it inconvenient to do so in cash. The transfer of cash certificates from one holder to another involves the Post Office in a considerable amount of labour, and it is not considered desirable to extend the concession.

#### REFERENCE OF THE CASE OF MATCH MANUFACTURERS TO THE TARIFF BOARD.

1332. **\*Mr. Kasturbhai Lalbhai:** Is it a fact that the match manufacturers have been asking for some time past to refer their case to the Tariff Board? If so, will the Government be pleased to explain why so far their case has not been sent up to that body? Do Government propose to send their case and when? If not, why not?

**The Honourable Sir Charles Innes:** Yes. As the Honourable Member is aware, the Tariff Board has been and is likely to be fully occupied with inquiries of a more urgent nature.

#### THE STAFF SELECTION BOARD'S EXAMINATION HELD IN DECEMBER 1925.

1333. **\*Khan Bahadur Alimuzzaman Chowdhry:** Will Government please state:

- (a) the total number of outsiders who applied for permission to sit at the Staff Selection Board's examination held in December, 1925, and the number to whom permission was actually given;
- (b) the total number of departmental candidates holding substantive appointments in the lower division who were permitted to appear at the Board's examination to qualify themselves for the first division appointments from the (i) Secretariat (ii) branches of the Army Headquarters, separately;
- (c) the total number of candidates declared successful separately under (a) and (b) above; and
- (d) the total fees realized from candidates and the total cost of the examination?

**The Honourable Sir Alexander Muddiman:** (a) 729. The number of outside candidates who actually sat for the examination was 626.

(b) (i) 30; (ii) 48.

(c) (i) 102 outside candidates were declared successful, that is 42 for the second division and 60 for the third division.

(ii) The departmental results are not complete. Some candidates have still to be interviewed when the Board meets in Simla.

(d) The income from fees amounted to Rs. 9,250 and the cost of the examination was Rs. 6,549.

**TRANSFER OF CLERKS QUALIFIED FOR THE FIRST DIVISION FROM ONE DEPARTMENT TO ANOTHER.**

1334. \***Khan Bahadur Alimuzzaman Chowdhry:** (a) Is it a fact that Staff Selection Board generally refuses to consider the claims of persons holding substantive appointments in the lower division but qualified for the first division in first division vacancies arising in Departments other than those in which they are already employed?

(b) If so, are these men to look forward to promotions in their respective departments only?

(c) Is there any rule which precludes them from seeking first division appointments in other departments?

**The Honourable Sir Alexander Muddiman:** (a) The Board maintains lists of qualified outsiders only and on receipt of an application from a Department for the nomination of qualified candidates makes such nomination from these lists. When no further candidates are available from these lists the Board asks Departments if they can nominate a qualified candidate for any vacancy that may arise.

(b) Under the existing system each Department is, practically speaking, a separate unit, and promotion can ordinarily be looked for only within the Department.

(c) No, provided that a man seeking employment in another Department does so through the usual official channels and obtains the consent of his own Department.

**PERCENTAGE OF MARKS REQUIRED FOR PASSING THE STAFF SELECTION BOARD'S EXAMINATION.**

1335. \***Khan Bahadur Alimuzzaman Chowdhry:** (a) Will Government please state what percentage of marks are required to be obtained for passing the Staff Selection Board's examination in the first, second and third divisions for appointments in the Secretariat and attached offices respectively?

(b) If a man appears for the second division but obtains first division marks, is he declared to have passed in the first division? If not, why not?

(c) Is it necessary to obtain the minimum percentage of marks both in written and oral tests separately or are the aggregate marks taken for the purpose of determining the division of candidates?

**The Honourable Sir Alexander Muddiman:** (a) I understand that it is not the practice of the Board to divulge the percentages of marks adopted by them.

(b) Each candidate is required to state the qualification for which he desires to be examined and he is examined for that qualification only. It is not the usual practice in examinations, so far as I am aware, to declare candidates to have obtained a qualification for which they have not been examined.

(c) I understand that the aggregate marks are taken into account.

**NUMBER OF CHANCES ALLOWED TO DEPARTMENTAL CANDIDATES TO QUALIFY FOR THE FIRST DIVISION.**

1336. **\*Khan Bahadur Alimuzzaman Chowdhry:** (a) Will Government please state how many chances are given to departmental candidates to qualify themselves for the first division?

(b) If a candidate fails even at the last chance is he given further chance?

(c) Is it a fact that some of the clerks from the permanent second and third divisions are given three or four chances while others are not given a single chance? If so, why so?

**The Honourable Sir Alexander Muddiman:** (a) The ordinary rule is that two chances are allowed.

(b) If a candidate appears and fails twice, a third chance is given only on the strong recommendation of the Department in which the candidate is employed.

(c) I have no information in the matter. It is for Departments concerned to decide.

**COMPENSATION TO MILITARY CLERKS OF THE ARMY HEADQUARTERS WHO BECAME CIVILIANS AT THE SUGGESTION OF GOVERNMENT IN 1921.**

1337. **\*Khan Bahadur Alimuzzaman Chowdhry:** (a) Is it a fact that some of the military clerks of the Army Headquarters became civilians at the suggestion of the Government in 1921 on the understanding that the Secretariat rates of pay would be granted to them? If so, has this been granted to them? If not, why not?

(b) Is it a fact that certain military clerks surrendered their vested rights in order to become civilians at the invitation of the Government as a result of the recommendation of the Esher Committee? If so, have Government taken any steps to compensate them? If not, why not?

(c) Is it a fact that military clerks are not permitted by the Government to become members of the Uncovenanted Association of the Army Headquarters? If not, why not?

**Mr. E. Burdon:** (a) No undertaking of the kind was given by Government.

(b) Military clerks, on becoming civilians, necessarily forfeited all military privileges and assumed generally those associated with civilian status. No compensation was given and no compensation was necessary.

(c) Yes. They are subject to military discipline which precludes them from becoming members of an Association such as that referred to.

**OFFICER SUPERVISORS IN THE DIFFERENT BRANCHES OF THE ARMY HEADQUARTERS.**

1338. **\*Khan Bahadur Alimuzzaman Chowdhry:** Will Government please state the total number of Officer Supervisors employed in the different branches of the Army Headquarters? How many of them are (i) civilians and (ii) Indians?

**Mr. E. Burdon:** Twelve are employed. Six are civilians one of whom is an Indian on the permanent establishment whilst one Indian is officiating in a leave vacancy.

ENTERTAINMENT OF LADY CLERKS IN THE ARMY HEADQUARTERS OFFICES  
AT SIMLA DURING THE WINTER MONTHS.

1339. **\*Khan Bahadur Alimuzzaman Chowdhry:** (a) Is it a fact that a number of girl clerks have been temporarily entertained in the branches of Army Headquarters at Simla for the winter months? If so, will Government please state whether the Staff Selection Board approved of their appointments?

(b) Do they possess any special qualifications? If so, what?

(c) What are the minimum educational qualifications required for a girl clerk to sit for the Staff Selection Board's examinations?

(d) Is there any age limit for the appointment of girl clerks? If so, what?

**Mr. E. Burdon:** (a) Yes. The approval of the Staff Selection Board was obtained. No qualified candidates were available for temporary vacancies in Simla till the results of examination held in December were known.

(b) No.

(c) The minimum qualifications required depend on the grade in which employed. Those employed during the winter were engaged on routine work. The minimum educational requirements for that work are the Matriculation or any equivalent examination.

(d) Ordinarily 25 years. But heads of departments may relax this limit for sufficient reason.

DUTIES OF THE ESTABLISHMENT OFFICER ATTACHED TO THE ARMY  
DEPARTMENT.

1340. **\*Khan Bahadur Alimuzzaman Chowdhry:** (a) Will Government please state whether each branch of the Army Headquarters has a separate cadre for its clerical establishment?

(b) Is it a fact that (i) confirmation, (ii) promotion and (iii) grant of leave, etc., are controlled by the heads or deputy heads in consultation with the section officers of the branches concerned? If so, to what extent then does the Establishment Officer attached to the Army Department exercise his control over the clerical staff of the Army Headquarters?

(c) Is it a fact that the Establishment Officer forwards requisitions from the branches for the services of men required temporarily for short periods to the Staff Selection Board? If so, is it not possible for the heads of branches or the Officer Supervisors acting on their behalf to communicate direct with the Staff Selection Board in the matter?

(d) Is it a fact that the duties of the Establishment Officer are analogous to those of a Registrar in the regular Secretariat? If so, what was the justification for creating this appointment?

(e) Will Government please state whether the heads of branches were consulted when this post was created?

(f) Will Government please lay on the table the correspondence relating to the creation of this appointment?

**Mr. E. Burdon:** (a) Yes.

(b) No.

(c) To the first part of the question the answer is that the procedure described is not necessarily the invariable procedure. As regards the second part, it might be possible but it would not be desirable for each branch to communicate with the Staff Selection Board separately and independently.

(d) No. The second part does not arise.

(e) Yes.

(f) I lay on the table a copy of the only letter of importance. It will make clear a number of points on which my Honourable friend appears to be at present in doubt.

*Copy of the letter referred to in the reply to part (f) of starred question No. 1340.*

No. 511.

GOVERNMENT OF INDIA.

ARMY DEPARTMENT.

*Simla, the 1st April 1921.*

#### MEMORANDUM.

His Excellency the Commander-in-Chief and Army Member has directed that, with effect from the 1st April 1921, the administrative control of all the clerical and menial establishment of Army Headquarters shall be transferred to the Secretary to the Government of India in the Army Department, who will administer these establishments through the Establishment Officer, Mr. R. Tharle-Hughes, whose appointment was notified in the last Gazette of India.

2. It will be the duty of the Establishment Officer to watch and control the working of the whole clerical and subordinate staff at Army Headquarters, to advise regarding appointments and promotions, to keep himself closely in touch with the interior economy of each branch with a view to giving further clerical assistance where needed or to reducing establishments where the work is declining. It is the intention that he should be the confidential and trusted adviser of the Principal Staff Officers and the Secretary in the Army Department in all matters relating to office establishments and procedure, including such matters as the economical use of stationery, typewriters, government printing, etc., and that he should work in close relationship with the ministerial heads of Branches. He will work directly under the Secretary in the Army Department.

With effect from the date of this memorandum, it is requested that no promotions, appointments, transfers, or grant of leave (other than casual) be made in any branch of Army Headquarters without prior references to and sanction of the Establishment Officer, who will communicate to the Branch concerned the orders of the Secretary in the Army Department. For the present the existing system under which pay is disbursed will be continued.

It is hoped that Principal Staff Officers and Heads of Branches will co-operate in making this revised system a success. Mr. Tharle-Hughes' advice and assistance will be readily available at all times, and it is hoped that full advantage will be taken of his knowledge and experience.

(Sd.) G. FELL,

*Secretary to the Government of India.*

To

The Principal Staff Officers,  
and Heads of Branches.

REFUSAL OF THE OFFICER SUPERVISORS AND THE ESTABLISHMENT OFFICER, ARMY HEADQUARTERS, TO FORWARD APPLICATIONS FROM CIVILIAN CLERKS FOR APPOINTMENTS IN OTHER DEPARTMENTS, ETC.

1841. \***Khan Bahadur Alimuzzaman Chowdhry:** (a) Is it a fact that applications submitted by the civilian clerks of the Army Headquarters for transfer or better appointments elsewhere are not forwarded by the Officer Supervisors and the Establishment Officer? Is there any bar to their seeking appointments elsewhere to better their prospects?

(b) Is it a fact that on an application submitted by a clerk belonging to a branch of the Army Headquarters for transfer to an office which is not permanently located at Simla the Establishment Officer remarked that a man who is so delicately constituted as to be unable to withstand the comparative mildness of the Simla winter is quite unfit for Government service and is most distinctly unfit for Army Headquarters? If so, will Government please state whether this is the personal opinion of the Establishment Officer or the opinion of the Government of India or that of the medical authorities?

(c) Is it a fact that a certificate of physical fitness is required before a man is confirmed in Government service? If so, is the certificate granted by the medical authorities concerned after satisfying themselves that the person examined is able to stand the winter months in Simla?

(d) If the answer to (c) above is in the affirmative, will Government please state whether the same test is equally applicable to all Government servants?

**Mr. E. Burdon:** (a) No.

(b) The answer to the first part is in the affirmative. The opinion was that of the Establishment Officer.

(c) Yes; in regard to the second part, the terms of the certificate are as stated in Article 49, Civil Service Regulations. I should imagine the medical authorities do not apply specifically the criterion suggested.

(d) Yes.

SECURITY FOR INDIAN PILGRIMS PROCEEDING TO THE HEDJAZ.

1842. \***Mr. Mahmood Schamnad Sahib Bahadur:** Will the Government be pleased to say whether there is peace and security in the Hedjaz now and whether the Indian pilgrims can safely proceed to the Hedjaz this year?

**Sir Denys Bray:** Yes, so far as Government are aware.

EXPULSION FROM THE HEDJAZ OF MEMBERS OF THE DEPUTATION SENT BY THE KUDDAMI-HARAMANI SOCIETY OF INDIA.

1843. \***Mr. Mahmood Schamnad Sahib Bahadur:** Is it a fact that the members of the Hedjaz deputation sent by the Kuddami-Haramani Society of India were ordered to leave the Hedjaz at once and were also imprisoned for 3 days under the orders of Ibn Saud?

**Sir Denys Bray:** The members of this deputation were requested by Sultan Bin Saud to leave the Hedjaz as the local authorities reported that they were inciting the residents of Mecca to revolt. They were in regular

correspondence with the British Agency during their stay in Jeddah and made no complaint that they had been imprisoned. Some restrictions are understood to have been placed upon their movements in Jeddah.

**Mr. K. Ahmed:** What is the short history of the Kuddami-Haramani Society?

**Sir Denys Bray:** I think the Honourable Member had better address that question to somebody else.

**Maulvi Muhammad Yakub:** Is it a fact that the reports issued by the members of this deputation about sacrileges committed on the sacred buildings at Medina were totally groundless and false?

**Sir Denys Bray:** I submit, Sir, that question hardly arises.

#### RECOGNITION BY THE GOVERNMENT OF INDIA OF BIN SAUD AS THE RULER OF THE HEDJAZ.

1344. **\*Mr. Mahmood Schamnad Sahib Bahadur:** (a) Will the Government be pleased to say whether they have recognised Ibn Saud as the ruler of the Hedjaz?

(b) Is there any clause for the protection of Indian pilgrims in the Treaty or Agreement concluded with Ibn Saud recently?

**Sir Denys Bray:** (a) The Government of India have no direct dealings with Bin Saud.

(b) No, Sir. A copy of the agreements recently concluded with Bin Saud has been placed in the Library.

#### DATE OF THE NEXT SIMLA SESSION OF THE LEGISLATIVE ASSEMBLY, ETC.

1345. **\*Mr. Mahmood Schamnad Sahib Bahadur:** (a) Will the Government be pleased to say when the next Simla session of the Assembly will be held?

(b) When will the next general election of the Assembly and Provincial Councils be held?

**Mr. L. Graham:** (a) and (b). Government have no information.

#### CONSTRUCTION OF THE SAMNI-DAHEJ BRANCH OF THE BOMBAY, BARODA AND CENTRAL INDIA RAILWAY.

1346. **\*Khan Sahib M. E. Makan:** (a) Will the Government please state if the survey for the construction of the Samni-Dahej branch of the Bombay, Baroda and Central India Railway is completed?

(b) If so, will the Government please state how far the scheme has progressed? Do Government propose to construct this line *via* Miyan Gaon, Amod, Kervora and Gogra to Dahej?

**The Honourable Sir Charles Innes:** (a) Yes.

(b) The Government have decided to sanction the construction of a line from Samni to Dehej *via* Vagra.



**ALTERNATIVE ROUTE OF THE PROPOSED EXTENSION OF THE BROACH-JAMBUSAR BRANCH OF THE BOMBAY, BARODA AND CENTRAL INDIA RAILWAY TO KAVI.**

1347. \*Khan Sahib M. E. Makan: (a) Will the Government please state if they have received an application from the inhabitants of the Jambusar Taluka, Broach District, to so alter the scheme of the proposed extension of the Broach-Jambusar branch of the Bombay, Baroda and Central India Railway to Kavi that the railway line may pass through the town of Sarod?

(b) If so, will the Government please state if they have considered the feasibility of the proposed alteration?

**The Honourable Sir Charles Innes:** (a) A petition was received by the Local Government in 1920.

(b) The alternative route to pass through Sarod was considered when the line was surveyed, but the proposed route was selected as the best and it has been approved of by the Local Government.

**RECONSTRUCTION OF THE RAILWAY BRIDGE OVER THE RIVER NARBADA ON THE BOMBAY, BARODA AND CENTRAL INDIA RAILWAY.**

1348. \*Khan Sahib M. E. Makan: (a) Will the Government please state if they intend to reconstruct the railway bridge over the river Narbada on the Bombay, Baroda and Central India Railway?

(b) If so, when?

(c) If not, have the Government considered the question whether the bridge is safe to carry heavy locomotives over it, and if so, for how long?

**The Honourable Sir Charles Innes:** Inquiry has been made, and the Government understand that there is no present necessity to reconstruct the bridge, as there is no reason to doubt the ability of the existing bridge to carry the traffic now offering. If, however, it should be decided in the future to run heavier engines over this bridge, it will be reconstructed or suitably strengthened.

**ALLEGED MALPRACTICES IN THE ADMINISTRATION OF THE BOMBAY, BARODA AND CENTRAL INDIA RAILWAY.**

1349. \*Khan Sahib M. E. Makan: (a) Will the Government please state if their attention has been drawn to the open letters written by one Mr. J. N. Chinoy of Bombay to the General Traffic Superintendent, Bombay, Baroda and Central India Railway, about the malpractices in the administration of that Railway?

(b) If so, will the Government please state if they have made any inquiries to verify the truth of the statements made in the said letters?

(c) If not, why not?

**The Honourable Sir Charles Innes:** The Honourable Member is referred to the reply given in this Assembly to question No. 615. asked by Mr. Chaman Lall on the 3rd February, 1920.

**PROVISION OF INTERMEDIATE CLASS ACCOMMODATION ON THE BOMBAY, BARODA AND CENTRAL INDIA RAILWAY.**

1350. **\*Khan Sahib M. E. Makan:** Will the Government please state why no intermediate class compartments are attached to the through trains running between Bombay and Delhi on the Bombay, Baroda and Central India Railway, and whether such compartments are invariably attached to trains running on other main lines of the Indian Railways?

**The Honourable Sir Charles Innes:** Government understand that the question of the provision of intermediate class accommodation on the Bombay, Baroda and Central India Railway is under the consideration of the Railway Administration and where traffic justifies it, it has already been provided.

The reply to the second part of the question is in the negative.

**CONSTRUCTION OF PLATFORMS AT GODHRA AND KOSAMBA STATIONS ON THE BOMBAY, BARODA AND CENTRAL INDIA RAILWAY.**

1351. **\*Khan Sahib M. E. Makan:** (a) Are Government aware that there are no platforms at the Godhra and Kosamba railway stations on the Bombay, Baroda and Central India Railway, and that much trouble and inconvenience is caused to the passengers?

(b) Do Government propose to issue orders for the construction of platforms at the above-mentioned stations?

**The Honourable Sir Charles Innes:** (a) Government have no information.

(b) The Railway Administrations have discretion to provide such facilities where traffic offering justifies such provision. A copy of the question and the answer will be sent to the Agent, Bombay, Baroda and Central India Railway, for such action as he considers necessary.

**CONSTRUCTION OF A RAILWAY LINE FROM AKLESWAR TO HANSUT IN THE BROACH DISTRICT.**

1352. **\*Khan Sahib M. E. Makan:** Do Government propose to construct a railway line from Akleswar to Hansut in the Broach district?

**The Honourable Sir Charles Innes:** Government do not at present propose to undertake the construction of this line.

It is not included among those recommended by the Local Government for early construction and the result of an investigation carried out in 1923 indicated that the line would not prove remunerative. The Agent, Bombay, Baroda and Central India Railway, however, intends to re-examine the prospects of this line along with others, as soon as staff is available for the purpose.

**Dr. K. G. Lohokare:** May I know, Sir, if, in this case, when the Honourable Member does not know English, it is possible for him to put supplementary questions on the replies to his original ones?

**Mr. President:** It is not the fault of the Government.

**CARRIAGE OF MAILS AND PARCELS BETWEEN RAWALPINDI, MURREE AND KASHMIR.**

1358. **\*Mr. B. Das:** (a) Will the Government be pleased to state if tenders are called for the carriage of postal mails and parcels between Rawalpindi, Murree and Kashmir?

(b) When was the last tender called for?

(c) Is it a fact that the period for the contract as per advertisement of tender was for five years with effect from 1st March, 1922, and should continue thereafter till six calendar months' notice of termination is given by either of the contracting parties?

(d) Is it a fact that the agreement between the contracting parties contains terms different from the terms advertised? Is it a fact that the following passage occurs in the agreement:

"the contractors should daily (including Sundays and holidays) during the continuance of this agreement that is to say for the period of five years to be computed as commencing on the 1st day of June, 1924, and after a completion of this period. It will continue automatically until 12 calendar months' notice of termination is given by either party or until this agreement shall be determined by such notice as is hereafter mentioned or otherwise in due course of law (hereinafter referred to as 'the said contract period')"

(e) Is it a fact that the contract according to the tender should come to an end before March 1927? Is it a fact that according to the agreement the contract will terminate in May 1929?

(f) Will the Government be pleased to state why this discrepancy exists between the tender and the agreement?

(g) Are Government aware that fresh invitation of tenders in accordance with the original advertisement will bring a substantial saving?

(h) Are Government aware that the contractors will be ready to take up the contract at a much cheaper rate?

(i) Are Government aware that the price of motor vehicles, accessories, etc., has considerably come down since 1922 and that the postponement of invitation of the tender will mean the sacrifice of a distinct advantage to the Government?

**Mr. H. A. Sams:** (a) Yes.

(b) August, 1921.

(c) Yes.

(d) Yes.

(e) The original agreement, which was entered into with effect from 1st March, 1922, was for a period of five years from that date to continue thereafter till six calendar months' notice of termination had been given by either of the contracting parties.

Subsequently a fresh agreement was entered into with effect from 1st June, 1924, for a period of five years to continue automatically until twelve calendar months' notice is given by either party.

(f) The departmental motor service between Rawalpindi, Murree and Srinagar and the local service in the station of Rawalpindi was replaced,

as I have already stated, with effect from the 1st March, 1922, by a contract motor service on a mileage basis. A revised agreement was introduced with effect from the 1st June, 1924, for a service between Rawalpindi, Murree, Srinagar and Tangmarg, because the mileage basis was found to be inconvenient and uneconomical.

(g) No.

(h) No.

(i) Government understand that this is the case but they are unable to agree that the postponement of the call for tenders will mean the sacrifice of a distinct advantage. The agreement of 1924 was accepted by Government and by the contractors, and Government have no intention of repudiating it.

#### RECRUITMENT OF DEMOBILIZED INDIAN OFFICERS AS EXECUTIVE OFFICERS OF CANTONMENTS.

1354. **\*Mr. S. Sadiq Hasan:** 1. Is it a fact that the posts of Executive Officers in the Cantonments were thrown open to Indian officers of all ranks both on the effective and non-effective lists under an Army Order in February 1924?

2. Is it a fact that during the last two years no Indian officers on the non-effective lists have been recruited for the service as Executive Officers and that all such candidates who have hitherto been held eligible for the post are now debarred from recruitment?

3. Are Government aware that the bar against recruitment of demobilized officers has caused discontent amongst such officers?

4. Do Government propose to take into consideration the claims of demobilized officers and throw open to them a fixed number of posts of Executive Officers in the Cantonments?

**Mr. E. Burdon:** (1) The answer is in the affirmative, but I must explain that the provisional arrangements announced in the India Army Order referred to have since been superseded by permanent arrangements of wider scope announced in Army Instruction, India, No. 987 of 1925, to which I invite my Honourable friend's attention.

(2) Under the provisional arrangements first adopted, three Indian officers on the effective list and one on the non-effective list were appointed to be Executive Officers of Cantonments. Under the permanent arrangements, pensioners are not eligible.

(3) and (4), Representations have been received from time to time from pensioners wishing to receive appointments as Executive Officers, but the Government of India do not propose to modify the arrangements laid down in Army Instruction, India, No. 987 of 1925. If my Honourable friend will study that Instruction, he will, I think, agree that, as a permanent arrangement, the system now in force is suitable.

#### REVISION OF THE ELECTORAL ROLLS OF THE LEGISLATIVE ASSEMBLY.

1355. **\*Mr. K. Venkataramana Reddi:** (a) Will the Government be pleased to state whether the electoral rolls of the Legislative Assembly will be revised this year?

(b) If the answer is in the affirmative, will the Government be pleased to state the last date when new names can be enrolled?

**Mr. L. Graham:** (a) Sub-rule (4) of rule 9 of the Legislative Assembly Electoral Rules requires a fresh electoral roll to be prepared on the expiration of the period of three years for which the existing roll is in force. There is power under the proviso to direct the earlier preparation of a fresh roll but no power to defer its preparation after the expiry of three years. That period will in all provinces expire during the current year and the Honourable Member may therefore take it that a fresh electoral roll for all the constituencies of the Legislative Assembly will be prepared this year and that the question of revising the existing rolls will not arise.

(b) Under the Electoral Regulations the dates for the completion of the various processes involved in the preparation of an electoral roll are fixed by Local Governments.

**Mr. Harchandrai Vishindas:** Can it be said by what time, in what month, the electoral rolls will be completed?

**Mr. L. Graham:** I have already said that the Local Governments fix the dates.

**Mr. K. Ahmed:** Do Government propose to take immediate steps so that a revision of the rolls may be made as early as possible in order that candidates who stand for the next election will be given sufficient time to see the electoral rolls?

**Mr. L. Graham:** I think some of the Local Governments are already taking action.

**Dr. K. G. Lohokare:** May I know if there will be no misplacing of dates, as happened last time, when the dates of nomination papers to the provincial Councils were fixed before this House was prorogued?

**Mr. L. Graham:** The Honourable Member is talking of elections. We were talking of the electoral roll.

#### INTERPRETATION OF RULE 6 OF THE LEGISLATIVE ASSEMBLY ELECTORAL RULES.

1356. **\*Mr. K. Venkataramana Reddi:** (a) Will the Government be pleased to state whether, under Rule 6 (1) (a) which defines the qualifications of elected Members, a voter of a Provincial Council either in the general or special constituency is entitled to stand as a candidate for the Legislative Assembly, although he is not entitled to be a voter for the Legislative Assembly?

(b) If the answer is in the affirmative, are Government prepared to consider the advisability of issuing instructions to that effect to Local Governments in view of the coming elections?

**Mr. L. Graham:** (a) The question raises a point of interpretation. In the view of Government the answer is in the affirmative.

(b) Government are not prepared to issue executive instructions on a point of interpretation.

**Mr. K. Venkataramana Reddi:** With regard to the answer to (a) will Government be pleased to state whether they have consulted their law officers whether this interpretation is correct?

**Mr. L. Graham:** Government have consulted themselves, Sir,

**Mr. K. Ahmed:** If a candidate is qualified to stand for the Council of State, what are the reasons that he will not be qualified and be able to stand for the Assembly?

**Mr. L. Graham:** That question does not arise.

**Mr. K. Venkataramana Reddi:** Do Government propose to consult their law officers as to the correctness of the interpretation they have put on the rule referred to in (a)?

**Mr. L. Graham:** I have already said that Government are quite satisfied with their own opinion.

**Mr. K. Ahmed:** Are the Government aware that any Member of a provincial Council or a Member of any other legislative body is qualified to stand for the Council of State election? Why should he not be qualified similarly to stand for the Legislative Assembly?

**Mr. President:** That question does not arise out of the original question.

#### DEATH DURING AN OPERATION OF MISS BHOJI SIPAHIMALANI, A STUDENT OF THE LADY HARDINGE MEDICAL COLLEGE, DELHI.

1957. **\*Sardar V. N. Mutalik:** Will the Government be pleased to state if it is a fact that Miss Bhoji Sipahimalani, a fourth year student of the Lady Hardinge Medical College, Delhi, was operated upon for appendicitis by Dr. (Miss) Campbell, the Principal of the College, and did the girl student die on the operation table while under chloroform?

#### DEATH DURING AN OPERATION OF MISS BHOJI SIPAHIMALANI, A STUDENT OF THE LADY HARDINGE MEDICAL COLLEGE, DELHI.

1958. **\*Sardar V. N. Mutalik:** Is it a fact that in her report Dr. (Miss) Mithai the anaesthetist in attendance, has stated that while under chloroform the girl began to get blue, that the pulse having suddenly gone down to 80 and then to 75, gradually disappeared from the wrist, that she immediately reported the matter, pulled the tongue forward and cleared the throat, that the second swab she used to wipe out the throat got loose, that she tried to take it out at once, reporting the matter at the same time, and that the patient was getting blue and pulse becoming slow before she used the throat swabs?

#### DEATH DURING AN OPERATION OF MISS BHOJI SIPAHIMALANI, A STUDENT OF THE LADY HARDINGE MEDICAL COLLEGE, DELHI.

1959. **\*Sardar V. N. Mutalik:** (a) Is it a fact that in her official report sent to the higher authorities by the Principal a day after the incident, she stated that while she was inserting sutures through the superficial tissue after the operation had been completed, her attention was drawn by the anaesthetist to the fact that the patient's lips had turned blue, that the Principal expressed the opinion that a few more minutes passed after this when the anaesthetist drew her attention to a swab in the patient's throat?

(b) Is it a fact that Dr. Campbell says in her report that Dr. Mithai stated that the swab was in the throat of the girl two minutes before she reported the matter, and that the patient was dead "before I was told there was a foreign body in her throat"?

DEATH DURING AN OPERATION OF MISS BHOJI SIPAHIMALANI, A STUDENT OF THE LADY HARDINGE MEDICAL COLLEGE, DELHI.

1360. **\*Sardar V. N. Mutalik:** Is it a fact that in her first official report the Principal attributed the death of the girl to the sticking of the swab in the throat, that in her letter appearing in the *Hindustan Times*, dated the 10th January, 1926, the Principal suggests the possibility of the death being due to some other cause "in the form of a persistent thymus gland, or obscure lesion of the heart or other vital organ", and that in the reply given by Government to Diwan Chaman Lall's interpellation on the 25th January, 1926, it was stated that "it was doubtful whether the examination, if performed, could have resulted in any other verdict than death by chloroform poisoning during anæsthesia?"

DEATH DURING AN OPERATION OF MISS BHOJI SIPAHIMALANI, A STUDENT OF THE LADY HARDINGE MEDICAL COLLEGE, DELHI.

1361. **\*Sardar V. N. Mutalik:** Is it a fact that the anæsthetist selected to administer chloroform at the operation of Miss Sipahimalani, was one Dr. (Miss) Mithai, a fresh graduate from Madras, who was still under training and that the person selected to assist the operator (the Principal Dr. Campbell) was a student?

DEATH DURING AN OPERATION OF MISS BHOJI SIPAHIMALANI, A STUDENT OF THE LADY HARDINGE MEDICAL COLLEGE, DELHI.

1362. **\*Sardar V. N. Mutalik:** Is it a fact that the father of the girl had wired to the Principal that there should be an X-ray examination before any operation was performed? If so, was such examination held? If not, why not? Was the heart examined before the operation was decided upon?

DEATH DURING AN OPERATION OF MISS BHOJI SIPAHIMALANI, A STUDENT OF THE LADY HARDINGE MEDICAL COLLEGE, DELHI.

1363. **\*Sardar V. N. Mutalik:** Will Government lay on the table the reports or statements made by Dr. Campbell and Dr. Mithai in regard to the incident of Miss Sipahimalani's death including all correspondence that has passed between Dr. Campbell and the higher authorities?

**Mr. J. W. Bhore:** With your permission, Sir, I propose to reply to questions Nos. 1357 to 1363 together. Government have already given all the information in their possession in regard to this most regrettable incident in reply to Mr. Chaman Lall's question No. 109, Lala Duni Chand's question No. 259 and Mr. Harchandrai Vishindas' question No. 480 on the 25th and 26th January, and the 1st February, 1926, respectively, and they do not consider that any useful purpose will now be served by reopening the question.

**Mr. Harchandrai Vishindas:** I wish to put a supplementary question, if the Honourable Member in charge is prepared to answer, considering that this is the last reply. Is it not a fact that the statements of the two ladies, namely, Dr. Campbell and Dr. Mithai, were conflicting as regards the cause of death?

**Mr. J. W. Bhore:** I do not think you can describe their statements as conflicting in regard to the cause of death. As I have already explained

in reply to a question put by the Honourable Member himself, the cause of death can never now be ascertained. The only avenue for ascertaining that, namely, by means of a *post-mortem* examination, is now closed for ever.

**Mr. Harchandrai Vishindas:** Might I know whether it is not a fact that Dr. Mithai said that the blueness and the weakness of the pulse appeared first and the insertion of the sutures took place afterwards and that this was quite contrary to the statement of Dr. Campbell?

**Mr. J. W. Bhore:** I do not think, Sir, that these details are really relevant so far as the actual cause of death is concerned. A most complete and detailed examination of the whole question was conducted by an independent doctor and that doctor came definitely to the conclusion that, having regard to the evidence available, no definite conclusion could be arrived at in regard to the cause of death.

**Mr. K. Ahmed:** Do Government propose for the benefit of the country to hand over all the papers to the Public Prosecutor, so that he may be in a position to do what is needful and send up the accused to the nearest Magistrate if that is necessary for the ends of justice?

**Mr. J. W. Bhore:** I do not think that the Honourable Member knows exactly what he is saying.

**Mr. Harchandrai Vishindas:** Might I inquire if it is a fact—and it is a fact—that Dr. Mithai resigned, and considering that she was made to resign, was the inquiry directed to find out whether she was really guilty, and if so, of what?

**Mr. J. W. Bhore:** I think that the inquiry that was conducted was a most complete inquiry. Dr. Mithai was not made to resign. It was never held that she was directly responsible for the cause of death, but it was felt that possibly a transfer of her labours to another sphere than that in which this unhappy event occurred might be of advantage to her. She resigned of her own accord.

**Mr. Harchandrai Vishindas:** Considering that in one of the answers given it was said that Dr. Mithai was not sufficiently qualified for discharging the duties of an anæsthetist, why was not the medical officer in charge of the ward summoned as had happened before when the usual chloroform giver was absent?

**Mr. J. W. Bhore:** I dispute the correctness of that statement. Dr. Mithai was a graduate, an M.B.B.S. of the Madras University. She was fully qualified and she had had experience in the administration of anæsthetics.

**Dr. K. G. Lohokare:** May I know how many abdominal operations of this kind had Dr. Campbell done before this?

**Mr. J. W. Bhore:** I am not in a position to give the Honourable Member that information.

**Mr. K. Ahmed:** Are Government aware that qualified and distinguished medical men have also been prosecuted for their gross negligence in the conduct of operations?



**PROHIBITION AGAINST THE IMPORTATION OF INDIAN TEA SEED INTO CEYLON.**

1364. **\*Sir Darcy Lindsay:** (a) Are Government aware that the Ceylon Government prohibit the importation of Indian tea seed into Ceylon while freely admitting tea seed from Java when accompanied by a Government certificate and that Java is importing large quantities of tea seed from India?

(b) If the answer is in the affirmative, are Government aware why the Colony of a Foreign Power is placed in a more favourable position than India, an integral part of the British Empire?

(c) Do Government propose to make suitable representation to the Ceylon Government with a view to securing the admission of certified Indian tea seed on like terms?

**The Honourable Sir Charles Innes:** (a), (b) and (c). The Government of India understand that the matter has recently been brought to the notice of the Indian Tea Association and that it is now under the consideration of that body. If the Association require the assistance of the Government of India, no doubt it will apply for it.

65 out of 121 tons of tea seed exported from India in the last 2 years were sent to Java.

**GRANT OF SCHOLARSHIPS TO MUHAMMADAN STUDENTS FOR TRAINING IN THE CENTRAL TRAINING COLLEGE AND THE MEDICAL COLLEGE, LAHORE**

1365. **\*Maulvi Muhammad Yakub:** (a) Is it a fact that the Delhi Administration makes an annual contribution to the Punjab Government for the training of students from Delhi in the Central Training College and the Medical College, Lahore, and if so, will Government kindly give the names and numbers of candidates sent to these colleges for training for the last five years?

(b) Was there any Mussalman amongst these students?

(c) Will Government kindly give reasons why no Muhammadan has ever been sent to these colleges for training on Government scholarships?

**Mr. J. W. Bhore:** (a) Yes. Complete information relating to the second part is not readily available.

(b) Yes.

(c) Does not arise.

**PAUCITY OF MUHAMMADANS IN THE EDUCATION DEPARTMENT, DELHI.**

1366. **\*Maulvi Muhammad Yakub:** (a) Is it a fact that Sir Malcolm Hailey, during his tenure of office as Chief Commissioner, Delhi, issued a circular letter to the educational authorities drawing attention to the paucity of Muhammadans in the Education Department of Delhi?

(b) Will Government kindly state how many Muhammadans have been appointed since the issue of the above circular, excluding those Muhammadans who were appointed by the Muhammadan officiating District Inspector of Schools in 1925?

(c) Will Government kindly state why no action was taken on the Chief Commissioner's letter above referred to?

**Mr. J. W. Bhore:** (a), (b) and (c). Government are not aware of the issue of such a circular letter.

**PURCHASE OF STORES BY THE HIGH COMMISSIONER FOR INDIA FOR THE ARMY DEPARTMENT AND THE RAILWAYS.**

1367. **\*Mr. K. Rama Aiyangar:** (a) Will the Government be pleased to state whether to avoid lapse of funds large orders for purchase of stores are placed by the High Commissioner for purchase in the closing months of the financial year?

(b) If so what has been the total amount for which orders have been placed and for what materials in the months of January, February and March during the last three years for the Army Department and the Railways?

(c) Will the Government be pleased to state whether in such cases the same could have been avoided by purchases being made in India at a later date and if so, with what profit or loss?

**The Honourable Sir Bhupendra Nath Mitra:** (a) The answer is in the negative.

(b) and (c). Do not arise.

**PURCHASE OF COAL FOR STATE RAILWAYS.**

1368. **\*Mr. K. Rama Aiyangar:** (a) Will the Government be pleased to state if Teetulmari and Mudidih coals have been purchased at Rs. 5 when tenders for Rs. 4 and Rs. 4-4-0 were available?

(b) Have Jambad and Faridpur coals been purchased at Rs. 4-11-0 and Rs. 5 when there were tenders at Rs. 4?

(c) Have Kusunda and Nyadee coals been purchased at Rs. 3-12-0 when there were offers at Rs. 3?

(d) If the answers to parts (a), (b), and (c), be in the affirmative, will the Government be pleased to state the reason why the higher rates were accepted in each case?

(e) Will the Government be pleased to lay on the table a list of tenders made and those accepted?

**The Honourable Sir Charles Innes:** As regards (a), (b), (c) and (d), the Honourable Member is referred to the reply given on 15th March, 1926, to questions Nos. 1271 and 1272 of Sir Hari Singh Gour and as regards (e) to the reply given on 15th February, 1926, to Mr. Neogy's question No. 153 on the same subject.

**UNSTARRED QUESTIONS AND ANSWERS.**

**PUBLICATION OF THE REPORT OF THE ARMY ACCOUNTS COMMITTEE.**

243. **Dr. K. G. Lohokare:** (1) Will Government please say whether the Army Accounts Committee appointed by the Government of India in November 1925 for the investigation of the working of the Cost Accounting System, has concluded its labours and submitted a Report?

(2) If the reply to (1) is in the affirmative will Government please state whether the Committee's Report and recommendations will be published for the information of the public? If not, will Government please give the main features of the Committee's Report and recommendations?

(3) Has the Committee suggested any improvement or simplification of the system and if so, do Government contemplate any reduction of establishment in the Military Accounts Department?

(4) If the answer to (3) is in the affirmative, will Government please give the approximate number of Deputy Assistant Controllers, accountants and clerks by which, and the date from which, the permanent strength of the Department will be reduced?

(5) If the answer to the concluding portion of (1) is in the negative, will Government please say when the Committee is likely to conclude its labours and whether the Report that will be rendered by it will be available to the general public?

**The Honourable Sir Basil Blackett:** (1) The Army Accounts Committee has, I understand, concluded its inquiry but has not yet submitted its Report to Government.

(2) to (5). When the Report has been received, it will be considered what further action is necessary.

#### MINIMUM SERVICE FOR ELIGIBILITY TO THE MAXIMUM RATE OF PENSION.

244. **Dr. K. G. Lohokare:** Will Government please state whether any reduction in the minimum service required to be rendered by a Government servant for eligibility to the maximum rate of pension is under contemplation? If so, will Government please say when their orders are likely to issue?

**The Honourable Sir Basil Blackett:** No such question is directly under the consideration of Government. They have, however, under consideration a revision of the existing pension rules in which it is proposed to calculate pension on the basis of duty instead of on the basis of qualifying service which includes a certain amount of leave. It is not possible to state now when the revised rules will be issued.

#### LOCATION OF THE NEW HEADQUARTERS OF THE GENERAL OFFICER COMMANDING-IN-CHIEF, SOUTHERN COMMAND.

245. **Dr. K. G. Lohokare:** Will Government please state:

- (1) the number of regiments, regimental and departmental officers—both British and Indian troops and clerks that are proposed to be moved from Poona in the proposed change of headquarters;
- (2) whether they have under consideration any proposal to move the office of the Controller of Military Accounts, Poona District to the new headquarters, and
- (3) where the headquarters of the General Officer Commanding-in-Chief, Southern Command will be located?

**Mr. E. Burdon:** In reply to a previous question I have informed the House that as yet there is no such proposal before Government: and the military authorities themselves have not yet framed a final detailed scheme to put before Government.

**REMOVAL OF THE OFFICE OF THE CONTROLLER OF MILITARY ACCOUNTS,  
BOMBAY DISTRICT, FROM POONA TO BOMBAY.**

**246. Dr. K. G. Lohokare:** Will Government please say whether the shifting of the Office of the Controller of Military Accounts, Bombay District, from Poona to Bombay is under consideration and if so, when is the removal of the office anticipated to take place?

**The Honourable Sir Basil Blackett:** The reply is in the affirmative, but no final decision regarding the move has yet been arrived at.

**FORMATION OF A MILITARY PENSION PAYING OFFICE AT SATARA.**

**247. Dr. K. G. Lohokare:** Will Government please state whether arrangements are being made for the formation of a Military Pensions Paying Office at Satara? If so, when is the Office to be opened?

**The Honourable Sir Basil Blackett:** The matter is under consideration, but no final decision has yet been reached.

**GRANT OF HELP TO GOVERNMENT SERVANTS FROM A FUND STARTED  
BY THE CONTROLLER OF MILITARY ACCOUNTS, QUETTA.**

**248. Dr. K. G. Lohokare:** Is it a fact that the present Controller of Military Accounts at Quetta, has opened, with the Quetta branch of the Punjab National Bank, a fund, which he has called the "C.M.A's Fund" and to start which the sale proceeds of his office furniture has formed the nucleus? Is it also a fact that the Controller makes payment from this Fund to help Government servants who are on favourite terms with him? If so, will Government please say how far the institution of the fund and payment thereof to Government servants are authorised? Do they propose to make full inquiries into this matter?

**CLAIM MADE BY THE CONTROLLER OF MILITARY ACCOUNTS, QUETTA,  
FOR THE CONVEYANCE FROM MEERUT TO QUETTA OF HIS  
MOTOR CAR, WHICH HE IS ALLEGED TO HAVE SOLD AT  
MEERUT.**

**249. Dr. K. G. Lohokare:** (1) Is it a fact that the present Controller of Military Accounts, Quetta, sold his motor car while he was at Meerut?

(2) Did he prefer a claim against Government for its conveyance when he was transferred to Quetta?

(3) Is it a fact that this payment was sanctioned by himself as a Controller of Military Accounts?

(4) If so, will Government please say whether this payment is regular, and if not, what steps they propose to take in the matter?

**The Honourable Sir Basil Blackett:** Inquiry will be made and a reply furnished when information has been received.

**PUBLICATION OF THE REPORT OF THE ANDAMANS DEPUTATION.**

**250. Haji S. A. K. Jeelani:** (a) Will the Government be pleased to say when they intend to publish the recommendations of the Andaman deputation's Report?

(b) Do they intend to give effect to the same, and if so, when? If not, why?

**The Honourable Sir Alexander Muddiman:** The Report has only recently been received and no decisions in regard to the recommendations contained in it have been reached. The question of its publication will be considered.

STOPPAGE WITHOUT NOTICE OF THE GHEE CONTRACT OF MR. SUNDER SING MALLEY BY THE SUPPLY AND TRANSPORT AUTHORITIES AT MHOW.

251. **Mr. S. Sadiq Hasan:** 1. Are the Government of India aware of the circumstances under which the Supply and Transport authorities at Mhow (C. I.), without any notice of warning, stopped the ghee contract of one Mr. Sunder Sing Malley, Contractor, on the 10th of September, 1920?

2. If the answer to the question is in the negative, will the Government be pleased to make suitable inquiries and place on the table all the relevant papers and the result of their inquiries before this House?

3. If the answer to the above question is in the affirmative, will the Government be pleased to state why, since two items of the contractor's claim have already been granted, the other items of his claim are being withheld?

4. Is it a fact that this contractor has in his various representations challenged the authorities concerned to hold an independent inquiry to prove his claim and has approached His Excellency the Commander-in-Chief in India, but the authorities have neither disputed his claim nor are agreeable to hold an inquiry as suggested by the contractor?

**Mr. E. Burdon:** 1. Government are fully aware of the circumstances. It is not a fact that the contract was stopped without any notice of warning. The term of the contract expired in the ordinary course. A short extension was granted, at the contractor's request, to enable him to complete the supply due under the contract, which he failed to do. A request for a further extension was refused.

2. Does not arise.

3. Because each item of the claim was dealt with on its merits.

4. Government have throughout disputed those parts of the claim which have not been granted. They did not then and do not now think it necessary to hold any special inquiry.

MESSAGE FROM THE COUNCIL OF STATE.

**Secretary of the Assembly:** Sir, the following Message has been received from the Secretary of the Council of State:

"I am directed to inform you that the Council of State have, at their meeting held on the 19th March, 1926, agreed without any amendments to the following Bills which were passed by the Legislative Assembly on the 15th March, 1926:

A Bill further to amend the Indian Tariff Act, 1894.

A Bill further to amend the Madras Civil Courts Act, 1873."

## RESOLUTION RE EMIGRATION OF INDIAN UNSKILLED LABOURERS TO BRITISH GUIANA.

**Mr. J. W. Bhore** (Secretary, Department of Education, Health and Lands): Sir, I beg to move:

"That this Assembly approves the draft notification which has been laid in draft before the Chamber specifying the terms and conditions on which emigration for the purpose of unskilled work shall be lawful to British Guiana and recommends to the Governor General in Council that the notification be published in the Gazette of India."

Sir, I do not propose to weary the House with a lengthy history of Indian emigration to British Guiana. I do not propose to go further back than the year 1919. In that year a deputation from British Guiana visited this country and laid before a Committee appointed by the Governor General in Council on the recommendation of the Legislative Council a scheme for the colonisation of British Guiana by means of assisted emigration from this country. The Committee were inclined to view that scheme very favourably, but before finally recommending its acceptance they suggested that a deputation consisting of three competent persons should visit British Guiana, investigate local conditions and report. Accordingly a deputation consisting of Diwan Bahadur Kesava Pillai, Mr. Tiwari and Mr. Keatinge visited British Guiana in 1922 and their report was published in January 1924. In that year a second deputation from British Guiana visited this country and the press communiqué issued on the 7th June, 1924, states the events that transpired during this visit. From that communiqué it will be seen that the Standing Emigration Committee were inclined to regard this colonisation scheme favourably, but desired an officer of the Government to visit British Guiana and report on certain specific points. Accordingly Kunwar Maharaj Singh was deputed to visit British Guiana and his report has been in the hands of Honourable Members for some time. The final result of all these negotiations has now been embodied in the draft notification which I am asking the House to approve. I venture to think that this draft notification contains eminently satisfactory conditions. I may say that practically all the important recommendations made in the Pillai-Tiwari Report have received attention. In addition the Government of British Guiana have given an assurance that, subject to the approval of the Combined Court in cases involving expenditure, they accept in principle certain other recommendations made by us. I would like to read out to the House what these recommendations are. We recommended "firstly, the preparation by Government of a preliminary list of eligible voters as recommended in the Pillai Report, secondly, a change in the provisions governing Indian marriages on lines suggested to the British Guiana Government by our Special Officer, thirdly, opportunities for cremation, if so desired, for new emigrants, fourthly, non-employment of children of school-going age in Creole gangs, fifthly, fulfilment of the promise made to local resident families by Sir Joseph Nunan in his note, dated 30th April, 1923, in Combined Court First Special Session 1923, sixthly, Indian representation on all important public boards and committees, seventhly, creation of advisory board with Indian representation in connection with Immigration Department, eighthly, establishment of a farm colony for Indian destitutes of George Town, ninthly, a limited number of Indian ministers of religion should be granted free passages to British Guiana with free return passages if desired, and tenthly, a few school teachers should be recruited from India." Now, Sir, the draft notification read with the assurance given on these points constitutes, I venture to say, as complete a safeguard for intending colonists as we can reasonably expect. There is one other point, I think, in regard to which the House will want a categorical assurance,

and that is that the rights of Indians as British citizens have been effectively safeguarded. In regard to that I need only say that the British Guiana Declaratory Ordinance of 1928 assures to all British subjects equal rights without distinction of race or caste or creed and subjects of British Indian States are also included in that Declaration. Sir, I commend to the House the motion which I have moved. I commend it, Sir, because I feel that this scheme of colonisation opens up a brighter future for at any rate some in this country who would otherwise be condemned to a hopeless prospect in life, due to the force of circumstances of iron customs and of inexorable social laws. I commend it to the House because it will enable us to improve very considerably the lot of Indians, some Indians at any rate, who are already settled in British Guiana and I commend it to the House because I see in this exodus of sturdy Indian peasantry, restricted though it may be, visions of a greater India beyond the seas, established not by force or by fraud but by the honourable labour of a thrifty, industrious and intelligent people.

**Mr. N. M. Joshi** (Nominated: Labour Interests): I rise to make a few remarks on the Resolution moved by the Honourable the Secretary in the Department of Education, Health and Lands. At the outset I would like to ask for a piece of information from the Honourable the Secretary of the Department on the point whether breach of contract of service is going to be continued as an offence in the labour legislation of British Guiana. I had occasion to study the labour law of British Guiana and I found that in their Labour Code breach of contract of service or desertion was an offence. When we allowed emigration to Ceylon, Malaya and Mauritius we insisted that breach of contract of service will not be regarded as an offence by the law of the colony to which we had allowed emigration. As far as I remember, when the British Guiana deputation was in India, I asked them a question whether they were willing to repeal the legislation making breach of contract of service an offence and they expressed their willingness to do so. I want the Government of India to tell me whether they have any information on this point and what is going to be their attitude also on this point. Let them remember that they had insisted in the case of Ceylon that that legislation would be repealed and I hope that the Government of India, even if they have forgotten on this occasion to secure the repeal of this legislation penalising breach of contract of service, will do so without delay.

Then, Sir, I would like to make also one other remark about what we should do to secure the best interests of the emigrants when they go there. I make it quite clear that I am not against emigration of Indians to British Guiana. I think the scheme proposed is a fairly good one, but if the emigration of Indian labour to British Guiana or any other Colony is to be successful we must first see that the people who go there receive adequate facilities for their education. I know, Sir, that the Report of Kunwar Maharaj Singh lays great emphasis on this point, but I am anxious that the Government of India should take every step to see that education is promoted in these Colonies very soon, because I feel that whatever protection the Government of India may give to the emigrants in British Guiana it cannot be very much. Those people who go and colonise other lands must depend upon themselves to protect their interests and if they do not receive education they will not be able to do so.

The second point which I would like to press upon the attention of the Government of India is to see that every facility is given also for the organisation of these workers who go to the different Colonies,

[Mr. N. M. Joshi.]

because I feel that if the workers are to be protected, they can be protected by their own organisations much better than by anything that the Government can do. I do not say that to-day there are any impediments in British Guiana in the way of organisation, but there is one impediment in the way of the organisation of Indian labour that goes to the Colonies and it is this, that they do not receive guidance from educated Indians because there are very few educated Indians in these Colonies. I therefore want the Government of India to take every step to see that at least a few educated emigrants emigrate along with the workers that emigrate to British Guiana. I do not say that all the educated Indians who may emigrate will help the workers, for I know that amongst the educated Indians who may go there there may be some who may exploit them as much as the foreign capitalist; but, Sir, I feel that if a sufficiently large number of educated Indians go there at least some of them will sympathise with our workers and help them in their organisation.

**Mr. E. D. Gordon** (Bombay: Nominated Official): Go yourself.

**Mr. N. M. Joshi**: That is not quite impossible. I had heard a great complaint especially about Indians in British Guiana cutting the wages of even the Negroes in that Colony. I met a gentleman who took an interest in the organisation of Negro workers in British Guiana. He was himself a Negro and he told me that there is no one in British Guiana who takes an interest in the organisation of Indian workers. I know there is an organisation there of the Indian community but that Indian community is not necessarily all workers. It is necessary, therefore, that some facilities should be given to see that the workers who emigrate to British Guiana will be organised in their own organisations.

Then, Sir, I want to ask the Government one more question and that question is whether they propose to appoint their own Agent in British Guiana or not. They have not made it clear in the notification which they have issued, nor did the speech of the Honourable the Secretary of the Department make it clear whether the Government of India have decided to appoint their Agent in British Guiana or not. I know, Sir, that the Government of India did not appoint their Agent when emigration was allowed to Mauritius. We also know the consequences of that step. Before therefore I vote for this Resolution I want an assurance from the Government of India that they have decided to appoint an Agent to protect the interests of Indian workers in British Guiana. There is very great necessity for this appointment because those who have read the Report of Kunwar Maharaj Singh will find that wages in British Guiana have gone down since 1921 and wages may still go down. Therefore, it is necessary that there should be an officer of the Government of India to watch the interests of the workers who may go there. Again, although the British Guiana Government have made it quite clear that the emigration which they want now is really the emigration of colonisers and settlers, still those who have read the papers can very well guess that a large number of planters wish that at least some portion of the emigrants will go to work on their plantations as ordinary labourers. Therefore, it is necessary that when we send 500 families to British Guiana there must be somebody on behalf of the Government of India to watch and see that these emigrants get land and become real colonists and are not forced to take up service as ordinary labourers on the plantations. I therefore want the Government of India to give a clear indication as to whether they propose to appoint an Agent or not. I also make it quite clear that



if the Government of India do not now tell me that they have decided to appoint an Agent to go to British Guiana along with the emigrants, I shall vote against this Resolution.

**Dr. S. K. Datta** (Nominated: Indian Christians): Sir, I am very glad that the Government of India have not been deterred by uninformed public criticism from going ahead with this scheme which I believe will be of real benefit to the people of India. Sir, I have been amazed at the ignorance of people in this country who criticise Government for allowing Indians to go abroad. I myself have visited some of these Indian colonies overseas, and while I realize that conditions there are not as good as they might be, yet for the agricultural labourer they are infinitely better than in British India. When I go down (as I have to occasionally) to the place where our intending colonists are housed in Calcutta, and see the disappointment in their faces when they are told they cannot go back to the Colonies—crowds of men, women and children who are demanding because of depressing conditions in this country to go abroad—I consider it is nothing short of cruelty to say to them that they cannot proceed any further. I am glad, therefore, Sir, that the Government of India have not been deterred by criticism in this country.

Sir, there was a very important point made by my Honourable friend, Mr. Joshi, regarding the welfare of the Indian communities abroad. Now, what happens when Indians go abroad? Let us remember that the old traditions are broken, caste and its restrictions very largely modified, the old village system with its morality gone, and our colonists, strangers in a strange land, as individuals are up against strong and well organized interests ready to exploit them, and I am afraid up against tremendous temptations. Is it to be wondered at that they succumb? Now, Sir, the way of meeting this is by education, education, again education of our people in these Colonies. I see that there is a reference in the Report before us to what the Colonial Government has said with regard to the education of Indians. We are supplied with figures of Indian children under education in Fiji, but I am afraid they reflect the unsatisfactory position in which we find ourselves in India; far fewer girls are in school than boys. However, that may be due of course to the composition of the population itself. But, Sir, will the Government of India be prepared to give facilities to workers from India who will go out there for philanthropic purposes? My Honourable friend, Mr. Joshi, belongs to a great society. Is it not possible for members of his society to go and give exactly that direction to his own people in a distant country like British Guiana?

**Mr. N. M. Joshi:** Why not members of your organization?

**Dr. S. K. Datta:** My organization does send men and will send more in the future, but I am making the suggestion to him specifically.

Lastly, Sir, I am glad that Indians are to have a foothold on the continent of South America. Those of us who have interested ourselves in the literature that has been published in these days regarding the disposition of the races of mankind have been amazed at the suggestions which are made from time to time as to how the world should be divided up. Europe and North America we are told should be preserved for the white races. Asia and Africa are to be preserved for the coloured races; Australia again is to be preserved for the white race, but South America's destiny is yet unknown, the northern races desiring to preserve that continent for the whites. But the eyes of India and other Eastern nations have also been turned to South America. Unfortunately, Sir, in spite of the refusal of the Honourable the Foreign Secretary to give us information in this House

[Dr. S. K. Datta.]

when we inquired whether exclusion laws against Indians were in operation in the countries of South America—there are exclusion laws in various countries in South America, and I can give him chapter and verse for that. Yet Indians are finding opportunities in South America. I remember a batch of 20 or 30 Sikhs from Fiji who were tired of conditions there, chartering a 20-ton schooner to go right across the Pacific to the coast of South America to settle in Chile. But I am glad, Sir, that there is a prospect of vigorous Indian colonies being established under the British flag and the British Crown in the north of the South American continent. I do trust, Sir, that this draft Resolution which has now been placed before this House will be accepted and that the Government of India will ensure that the best type of colonist is sent to South America under the protection of the British flag and yet with the purpose of upholding in those distant regions the traditions of their own country.

**Mr. J. W. Bhore:** Sir, it is a matter of much gratification to see the manner in which this Resolution has been received by the House, and I am personally very grateful for the criticisms and the suggestions made by the two Honourable Members who have just now spoken. In regard to the first point raised by my Honourable friend Mr. Joshi, namely, the existence in the law of British Guiana of penalties for breach of contract of service, I may say that we have not yet gone into this matter, but he may rest assured that it will have our attention. He has raised questions in regard to the organization of workers, the number of educated Indians at present in this Colony and other matters which to my mind have an intimate connection with the state of education in the colony. Now in regard to that we have been perfectly clear in our own minds, and if you will turn to clause 13 of the draft notification you will see that we have made the application of the Ordinance enjoining compulsory education in British Guiana to the same extent in the case of Indian children as in the case of children belonging to all other communities one of the conditions of emigration. Of course, that Ordinance may take some time to have any widespread effect, but this is the first step, it seems to me, in the right direction and I hope time will not be far distant before its strict application will result in raising generally the standard of education of Indians in British Guiana. The only other point I think of importance which has been raised is the suggestion made by my Honourable friend Mr. Joshi that the Government of India should have its own Agent in British Guiana. Now in regard to this matter I agree generally with my Honourable friend, and I can give him this assurance that the matter is at the present moment receiving our serious attention, and we will not allow a single intending colonist to leave our shores until we are absolutely satisfied that the conditions that we regard as necessary to secure for him have been fully ensured. I do not think, Sir, that there is any other point for me to meet. I thank the House for the manner in which they have received my Resolution.

**Mr. President:** The question is that the following Resolution be adopted :

"That this Assembly approves the draft notification which has been laid in draft before the Chamber specifying the terms and conditions on which emigration for the purpose of unskilled work shall be lawful to British Guiana and recommends to the Governor General in Council that the notification be published in the Gazette of India."

The motion was adopted.

The Assembly then adjourned till Eleven of the Clock on Wednesday, the 24th March, 1926.

# LEGISLATIVE ASSEMBLY.

Wednesday, 24th March, 1926.

The Assembly met in the Assembly Chamber at Eleven of the Clock, Mr. President in the Chair.

## QUESTIONS AND ANSWERS.

### RECOVERY OF THE LOAN OF RS. 341 LAKHS MADE TO THE PERSIAN GOVERNMENT.

1369. **\*Mr. Kasturbhai Lalbhai:** (a) Will the Government be pleased to state when they expect to recover the loan to the Persian Government of Rs. 341 lakhs, repayment of which the Financial Secretary stated in his memorandum was expected at an early date?

(b) Will the Government be pleased to state how far the negotiations have proceeded?

(c) How do Government propose to deal with the amount when realised?

**The Honourable Sir Basil Blackett:** I regret I am unable to make any statement.

### RECENT MAIL ROBBERY IN THE KHULNA DISTRICT.

1370. **\*Sir Darcy Lindsay:** (a) Has the attention of Government been drawn to a recent mail robbery in the Khulna District of insured articles of considerable value in which the mail peon was severely wounded?

(b) If the answer is in the affirmative, what necessary protection do the Department propose to afford to the postal staff conveying valuables from railway stations to the post offices and *vice versa*?

(c) Have the perpetrators of the crime been discovered?

**Mr. H. A. Sams:** (a) Yes.

(b) The attention of the Honourable Member is invited to the reply given in the Legislative Assembly on the 26th January, 1926 to starred question No. 250 asked by Khan Bahadur Sarfaraz Hussain Khan. The question of extending the protection to all mail carriers is under consideration.

(c) Two persons have been arrested in connection with the robbery.

### RECOMMENDATION OF THE LEE COMMISSION REGARDING PROMOTIONS FROM THE PROVINCIAL CIVIL SERVICES TO THE SUPERIOR SERVICES.

1371. **\*Mr. K. O. Neogy:** (a) With reference to the recommendation made by the Lee Commission, on the question of increasing the rate of promotion from the Provincial Civil Services and obtaining 20 per cent. of the recruits for the superior services from that source in future, what action has so far been taken in the different provinces in connection therewith?

(b) What was the number of listed appointments held by members of the Provincial Civil Service, on the judicial and executive sides respectively, in each of the Provinces at the time when the Lee Commission made their inquiry, as compared with the number at the close of 1925?

(c) Will Government be pleased to make a statement of what they propose to do in regard to the recommendation referred to in part (a)?

**The Honourable Sir Alexander Muddiman:** (a) The orders of the Secretary of State in Council on this recommendation were communicated to Local Governments of 19th November, 1925. Since that date recommendations for the listing of three additional posts have been received.

(b) I lay on the table a statement giving the figures required by the Honourable Member.

(c) The policy of Government is to fill 20 per cent. of superior posts on the cadre of the Indian Civil Service by the year 1939 by the promotion of Provincial Service officers and appointments from the Bar.

*Statement showing the number of Superior Listed appointments held by members of the Provincial Civil Service in each Province on the 1st July, 1923, (a) and 1st January, 1926, and the number to be eventually filled from this source.*

Provinces.	NUMBER OF POSTS ON 1st JULY, 1923.				NUMBER OF POSTS ON 1st JANUARY, 1924.				Total number of posts (executive and judicial) to be filled from the P. C. S. and the Bar within 15 years from 1st April, 1924.	REMARKS.
	Execu- tive.	Judicial.		Total.	Execu- tive.	Judicial.		Total.		
		Held by mem- bers of the P. C. S.	Filled from the Bar.			Held by mem- bers of the P. C. S.	Filled from the Bar.			
1	2	3	4	5	6	7	8	9	10	11
Madras .	5	5 (b)	2	12	6	6 (c)	2	14	21	
Bombay .	3	3 (d)	...	6	5	3	1	9	17	
Bengal .	6	5	1	12	6	5	1	12	22	
U. P. .	4	7	1	12	4	7	1	12	25	
Punjab	5	4	2	11	6	5	2	13	18	
Burma .	4	4	2	10	7	5	2	14	19	
B. and O.	5	2	1	8	5	2	1	8	13	
C. P. .	2	5	...	7	2	5	...	7	12	
Assam .	2	...	...	2	2	...	...	2	4	
Total	36	25	9	80	43	38	10	91	151	

(a) Except in the case of the Madras Presidency figures for which have been taken from the Civil List of 1st January, 1923.

(b) Excluding 4 additional posts sanctioned but not given effect to.

(c) Excluding 3 additional posts sanctioned but not given effect to.

(d) Including one for Assam.

#### LAST COAL CONTRACT IN CALCUTTA BY THE RAILWAY DEPARTMENT.

1972. **\*Mr. K. C. Neogy:** (a) Has the attention of Government been drawn to an editorial note in the *Servant* (Calcutta), dated the 2nd March, 1926, headed "Lowest satisfactory tender", dealing with the last coal contract in Calcutta by the Railway Department?

(b) If so, will Government be pleased to make a statement on the different points raised in the said editorial note?

**The Honourable Sir Charles Innes:** I have only to add to the reply given on 15th March last to Sir Hari Singh Gour that the latest available accounts of the workings of railway-owned collieries will be found in Appendix B of Volume II of the Railway Board's Report on Indian Railways for 1924-25.

POSITION OF PENDING RAILWAY PROJECTS IN EASTERN BENGAL.

1878. \*Mr. K. C. Neogy: Will Government be pleased to make a statement, showing with regard to each pending railway project in Eastern Bengal, its present position, and prospects of construction; as also the opinion of the local Government and the respective Railway Agents concerned on the merits and urgency of each project?

The Honourable Sir Charles Innes: A statement containing the information asked for is laid on the table.

Statement showing the present position, etc., of the projects pending in Eastern Bengal Railway.  
EASTERN BENGAL RAILWAY.

Railway project.	Present position.	Prospects of Construction.	Opinion of Local Government on the merits and urgency of each project.	Opinion of the Agent on the merits and urgency of each project.
(1) Tangail Gopalpur Jamalpur.	A traffic survey recently sanctioned.	Decision regarding construction will depend on result of traffic survey.	Placed first in the list of lines recommended for construction in 1926-27.	Not yet received.
(2) Ishardi Pabna Sadhuganj.	Traffic survey recently completed.	Ditto.	Placed fourth in the list of lines recommended for construction in 1926-27.	Ditto.
(3) Dacca Aricha . . .	Traffic survey recently ordered.	Ditto.	Not included in the list of lines recommended for construction in 1926-27.	Ditto.
(4) Faridpur Charmaguria .	Under re-investigation.	Decision regarding construction will depend on result of re-investigation.	Ditto.	Ditto.
ASSAM BENGAL RAILWAY.				
(5) Rajapur Ramchandra-pur.	Traffic prospects under re-investigation.	Ditto.	Placed eleventh in the list of lines recommended for construction in 1926-27.	Ditto.
(6) Netrokona Mohurganj.	Traffic survey recently sanctioned.	Decision regarding construction will depend on result of traffic survey.	Placed thirteenth and sixteenth in the list of lines recommended for construction in 1926-27.	Ditto.
(7) Sambhuganj Halooaghat	Revised construction estimate has just been received.	Estimates etc. are under examination.	Placed fourteenth and fifteenth in the list of lines recommended in 1926-27.	Ditto.
(8) Western Extensions of the Mymensingh Bhairab Bazar Railway—				
(i) Sarachar Hossainpur.				
(ii) Hossainpur Kishoreganj.				
(iii) Hossainpur Atharbari.				
(9) Eastern extensions of the Mymensingh Bhairab Bazar Railway—	Revised construction estimate has just been received.	Estimates etc. are under examination.	Placed fourteenth and fifteenth in the list of lines recommended in 1926-27.	Ditto.
(iv) Atharabari Gogh-bazar.				
(v) Kishoreganj Karimganj.				
(vi) Sarachar Bajitpur.				

### RECRUITMENT OF ASSISTANT TRAFFIC SUPERINTENDENTS ON STATE RAILWAYS.

1874. **\*Mr. K. C. Neogy:** (a) With reference to the answer to starred question No. 808, of the 15th February, 1926, is it a fact that among the candidates for appointment as Assistant Traffic Superintendents of the State Railways, who were not permitted to sit for the competitive examination, were persons, who obtained their training in England as traffic probationers under apprenticeships arranged with British railways by the High Commissioner for India?

(b) What chances will there be for such persons to be employed under state-managed Railways in India in future?

**The Honourable Sir Charles Innes:** (a) The reply is in the affirmative.

(b) In future recruitment will be made on the result of a competitive examination and only those will be eligible to compete who fulfil the conditions in the rules prescribed for the examination.

**Mr. K. C. Neogy:** Will these persons be deemed to possess the qualifications necessary for going up for the examination?

**The Honourable Sir Charles Innes:** That is a matter which will have to be examined in regard to each individual case.

### REDUCTION OF COAL FREIGHTS, ETC.

1875. **\*Mr. K. C. Neogy:** (a) Have Government received any resolutions passed by the Indian Industrial and Commercial Congress held at Delhi in February 1926, regarding, (i) further reduction of coal freights, (ii) the policy *re* railway collieries, (iii) a change in the purchasing agency for railway coal, and (iv) a bounty on coal exported outside India?

(b) If so, will Government be pleased to state what action they propose to take on these resolutions?

**The Honourable Sir Charles Innes:** (a) and (b). So far Government has received copies only of the Resolutions regarding the reduction in coal rates and the grant of bounties on coal exported outside India. As regards railway rates, the Government of India desire to say quite definitely that they have no present intention of making any further reductions. As the Honourable Member is aware, they recently appointed a Committee to advise them what measures should be taken to stimulate the export of coal outside India. Action has already been taken on the most important recommendations of that Committee, and the Government of India have no present intention of referring to the Tariff Board the question whether bounties should be given on coal exported outside India.

### ALIGNMENT OF THE DINAJPUR-RUHEA RAILWAY.

1876. **\*Mr. K. C. Neogy:** (a) Have Government in the Railway Department received any resolutions adopted at public meetings in the District of Dinajpur (Bengal), taking exception to the proposed alignment of the Dinajpur-Ruha Railway, and making several suggestions regarding alignment and location of stations?

(b) If so, what action do Government propose to take in the matter?

**The Honourable Sir Charles Innes:** (a) No; a telegram protesting against the alignment adopted has been received from the Chairman of the Local Board of Thakurgaon.

(b) The Honourable Member is referred to the reply given to a similar question No. 879 asked by Mr. Kumar Sankar Ray on February 19th last.

**Mr. K. Ahmed:** Are Government giving any effect to the telegram received from Dinajpur?

**The Honourable Sir Charles Innes:** The actual position is that the Agent of the Eastern Bengal Railway has been asked to obtain the opinion of the Government of Bengal before finally adopting the proposed alignment.

#### STAFF SELECTION BOARD'S EXAMINATION FOR STENOGRAPHERS.

1377. **\*Mr. Abdul Laya:** Is it a fact that no examination for stenographers was held by the Staff Selection Board subsequent to 1924?

**The Honourable S Alexander Muddiman:** No. A departmental examination was held in December 1925.

#### NUMBER OF SUCCESSFUL MUHAMMADAN CANDIDATES IN THE STAFF SELECTION BOARD'S EXAMINATION FOR STENOGRAPHERS HELD IN 1924.

1378. **\*Mr. Abdul Ha:** (a) Will the Government please state what was the number of Muhammadan stenographers who were declared successful in an examination held by the Staff Selection Board in June 1924?

(b) Will the Government please state how many of them have so far been given appointments?

**The Honourable Sir Alexander Muddiman:** (a) Four.

(b) Two.

#### APPOINTMENT OF LALA MANGAL CHAND AS A STENOGRAPHER IN THE OFFICE OF THE CENTRAL BOARD OF REVENUE.

1379. **\*Mr. Abdul Haya:** Is it a fact that an unqualified stenographer, named L. Mangal Chand has been recently given an appointment as a stenographer in the Central Board of Revenue?

(b) Is it a fact that there are several qualified candidates available for the above post?

(c) If so, will the Government please state the reasons why their claims and qualifications have been ignored and an unqualified man appointed?

**The Honourable Sir Basil B. Bett:** (a) Lala Mangal Chand, who was recently appointed as a stenographer in the Central Board of Revenue's Office, is not unqualified.

(b) He was one of several qualified candidates nominated by the Staff Selection Board for the vacancy.

In these circumstances part (c) does not arise.

TERMINATION OF THE SERVICES OF LALA MANGAL CHAND AS A  
STENOGRAPHER IN THE OFFICE OF THE CENTRAL BOARD OF  
REVENUE.

1380. **\*Mr. Abdul Haya:** (a) Is it a fact that the services of L. Mangal Chand, stenographer, were terminated by the Central Board of Revenue in 1922, on account of his not having passed the examination of the Staff Selection Board?

(b) If the answer to part (a) be in the negative, will the Government please state the reasons why L. Mangal Chand's services were terminated by the Central Board of Revenue?

(c) If the answer to part (a) be in the affirmative will the Government please state if he has since then qualified himself for appointment in the Government of India?

**The Honourable Sir Basil Blackett:** (a) and (b). The person in question was in a temporary vacancy in the Central Board of Revenue and had to revert to his substantive appointment to make room for a candidate with superior claims.

(c) Mr. Mangal Chand subsequently made application to the Staff Selection Board for the registration of his name on the approved list of candidates, and his name was duly placed on that list by an order dated the 22nd November, 1923.

EXEMPTION FROM THE EXAMINATION OF THE STAFF SELECTION BOARD  
OF MEN RECRUITED FROM THE PROVINCIAL SECRETARIATS.

1381. **\*Mr. Abdul Haya:** Is it a fact that there is a circular issued by the Staff Selection Board according to which persons belonging to the Provincial Governments can never be exempted from the examination of the said Board?

**The Honourable Sir Alexander Muddima:** Prior to 1925 persons from provincial Secretariats were occasionally exempted from the Staff Selection Board examination. The Board informed the Home Department in June 1925 that they were opposed to recruitment from provincial Secretariats and attached and subordinate offices except by the ordinary door of examination, the initiative in such cases to come from the Local Government or the head of the office concerned. The Government of India accepted this recommendation.

**Mr. K. Ahmed:** Do Government propose to register names, call for and allow candidates from the provinces to come up for the examination?

**The Honourable Sir Alexander Muddima:** I have already said so and the Honourable Member would have understood it if he had listened to my reply.

AMENDMENT OF THE PROVISIONS OF THE INDIAN COMPANIES ACT RELATING  
TO MANAGING AGENTS.

1382. **\*Sir Darcy Lindsay:** 1. Have Government ever considered the question of so amending the Indian Companies Act, 1913, as to provide that it shall not be permissible for Managing Agents to utilise the funds



of one Company for the purpose of financing another Company in the same Agency, also that the funds of any Company may not be used by the Managing Agents or any of the Directors for the purposes of their business?

2. If not, do Government propose to do so?

**The Honourable Sir Charles Innes:** The Government note the Honourable Member's suggestion which will be considered when the question of amending the Act is taken up.

#### DATING OF BLANK TRANSFERS.

1383. **\*Sir Darcy Lindsay:** Arising out of the reply given to my question No. 1045 on 1st March and the quoted extract from a letter from the Government of Bombay, do Government propose to re-examine the position to see whether the suggested provision that blank transfers be dated could be made effective and not easily defeated were it made compulsory that in place of the present practice of adhesive stamps all transfer deeds be stamp embossed and dated at the Stamp Office before signature?

**The Honourable Sir Basil Blackett:** The Honourable Member's suggestion has been considered on more than one occasion and the Government of India have never been satisfied that it would be effective.

#### EXEMPTION OF THE DELHI NOTIFIED AREA COMMITTEE FROM THE OPERATION OF THE ALIENATION OF LAND ACT.

1384. **\*Mr. K. Venkataramana Reddi:** Will the Government be pleased to state whether the Delhi Notified Area Committee is also exempted from the operation of the provisions of those sections of the Alienation of Land Act from which municipalities and cantonments are exempted *vide* Notification No. 16176, dated 21st June, 1919, of the Punjab Government, Agricultural Department?

**Mr. J. W. Bhore:** No such exemption has been granted.

#### EXEMPTION OF THE DELHI MUNICIPALITY, THE NOTIFIED AREA COMMITTEE AND THE IMPERIAL CITY COMMITTEE FROM THE OPERATION OF THE ALIEN OF LAND ACT.

1385. **\*Mr. K. Venkataramana Reddi:** Do Government propose to take any action to exempt the Municipality and Notified Area Committee of Delhi and the Imperial City Committee from the operation of the provisions of all the sections of the Alienation of Land Act in the same way as the Simla District (Summer Capital of the Government of India) has been exempted almost wholly from the said Act by the Punjab Government's Notification referred to above.

**Mr. J. W. Bhore:** The Government of India do not at present contemplate such action.

#### REPLACEMENT OF MUHAMMAD SHARIF, SCHOOL CLERK OF THE HEADMASTER, GOVERNMENT HIGH SCHOOL, DELHI, BY LALA KISHORI LAL.

1386. **\*Maulvi Muhammad Yakub:** (a) Is it a fact that L. Rattan Lal, Headmaster, Government High School, Delhi, and Assistant Superintendent of Education, Delhi, replaced his school clerk, Muhammad Sharif, by a clerk named L. Kishori Lal?

(b) Is it a fact that this clerk L. Kishori Lal is a nephew (son of his real maternal aunt) of L. Rattan Lal?

(c) Will Government please state if they propose to take any action in the matter?

**Mr. J. W. Bhore:** (a) No. Muhammad Sharif, clerk, was transferred to Lahore, his home, at his own earnest and repeated request. A Christian was sent by the Director of Public Instruction, Punjab, in his place. He was arrested and later became insane and after the post had been vacant for several weeks, Kishori Lal was put in.

(b) No. They are not even of the same caste.

(c) Does not arise.

#### APPOINTMENT OF MUHAMMADANS TO THE MUNICIPAL COMMITTEE AND DISTRICT BOARD SCHOOLS IN THE DELHI PROVINCE.

1387. **\*Maulvi Muhammad Yakub:** (a) Is it a fact that the appointments in the Municipal Committee and District Board Schools are made by local bodies on the recommendation of the District Inspector of Schools?

(b) Is it a fact that according to the Punjab Education Code the District Inspector of Schools has to obtain the sanction of the Superintendent of Education to the appointments in the Municipal and District Board Schools?

(c) Is it a fact that such recommendations are invariably accepted by the Municipality and District Board?

(d) Will Government please state the reasons why no Muhammadan candidates are recommended by the educational authorities?

**Mr. J. W. Bhore:** (a) Yes.

(b) Yes, in case of a few posts.

(c) Not invariably.

(d) The reason is the want of suitable candidates.

#### HEADMASTERSHIP OF THE RAISINA MIDDLE SCHOOL.

1388. **\*Maulvi Muhammad Yakub:** (a) Is it a fact that the Superintendent of Education was asked by the New Capital Committee, Delhi, to make recommendations for the appointments of the staff of the Raisina Middle School?

(b) Is it a fact that an advertisement was sent by the Superintendent of Education to three Hindu papers, i.e., *Leader*, *Tribune* and *Eastern Mail* but to no Muhammadan paper like the *Muslim Outlook*?

(c) Is it a fact that the interview for the Headmastership of the Raisina Middle School was conducted by the educational authorities and the appointment was made as a result of this interview?

(d) Are Government aware that there is no paucity of qualified and trained Muhammadan graduates in Upper India, and if so, why was no Muhammadan candidate appointed?

**Mr. J. W. Bhore:** (a) Yes.

(b) The advertisement was inserted in the local paper and in the Indian papers having the largest circulation in the Punjab, and the United Provinces.

(c) Sir Hugh Keeling, President of the Raisina Municipal Committee, and the Superintendent of Education, interviewed the candidates.

(d) Of 67 applications for the post only three were from Muhammadans and not one of whom was qualified.

**ALLEGED UNSYMPATHETIC TREATMENT OF MUHAMMADANS IN THE DELHI EDUCATION DEPARTMENT.**

1389. **\*Maulvi Muhammad Yakub:** (a) With reference to the reply given to my starred question No. 1220 on 12th March, 1926, will Government kindly state if the posts described below are held by Hindus only?—

1. Assistant Superintendent of Education.
2. District Inspector of Schools.
3. Head Clerk.

(b) Are Government aware that Muhammadans are unsympathetically treated in the Education Office of Delhi? Also will Government state what immediate steps they are going to take for the amelioration of the prospects of the Muhammadans in the Department?

**Mr. J. W. Bhore:** (a) Yes.

(b) No. The Honourable Member is referred to the reply given to his question No. 1106 on the 8th instant.

**RELATIONSHIP OF THE MANAGER, NAREHLA HIGH SCHOOL, AND THE CLERK, GOVERNMENT HIGH SCHOOL, TO THE ASSISTANT SUPERINTENDENT, EDUCATION DEPARTMENT, DELHI.**

1390. **\*Maulvi Muhammad Yakub:** Is it a fact that Sital Dass, Assistant Manager, Narehla High School and Kishori Lal, clerk, Government High School are real relatives of Ratan Lal, Assistant Superintendent, Education Office, Delhi?

**Mr. J. W. Bhore:** The Government do not propose to make any inquiry into the relationship existing between these or any of their officers unless they are satisfied that such an inquiry is necessary in the public interest.

**Mr. K. Ahmed:** How can they be satisfied unless they make an inquiry?

**ABSENTEE MEMBERS OF THE SECOND LEGISLATIVE ASSEMBLY.**

1391. **\*Mr. B. Das:** (a) Will Government be pleased to state how many Members of the Legislative Assembly have absented themselves for more than one Session of the second Assembly?

(b) Will Government be pleased to give a list of their names and their period of absence from the Legislative Assembly?

(c) Can a Member of the Legislative Assembly absent himself for more than one Session and still retain his seat?

(d) Will Government be pleased to state whether it is compulsory for a Member of the Legislative Assembly to attend any of the Sessions of the Legislative Assembly?

(e) Will Government be pleased to state if there are any rules that unseat a member for his prolonged absence?

**Mr. L. Graham:** (a) and (b). I lay on the table a statement which gives, so far as is available, the information required by the Honourable Member.

(c), (d) and (e). The attention of the Honourable Member is invited to the provisions of sub-section (2) of section 93 of the Government of India Act, and of rule 25 of the Legislative Assembly Electoral Rules.

*Members who absented themselves for more than one session of the second Assembly.*

Serial No.	Names.	Period of absence.
1	Maung Kun . . . . .	{ January—March 1925. { August—September 1925.
2	Sir Muthiah Chettiyar . . . . .	{ January—March 1925. { August—September 1925.
3	Sardar Mahboob Ali Khan . . . . .	{ January—March 1926. { January—March 1925. { August—September 1925.
4	Mr. Bhabendra Chandra Roy . . . . .	{ January—March 1926. { August—September 1925.
5	Raja Amarpal Singh . . . . .	{ January—March 1926. { August—September 1925.

**Mr. K. Ahmed:** Do Government propose for the benefit of the country to take stringent measures and see that elected Members do attend meetings of this Assembly to discharge their duty?

PERSONNEL OF THE INDIAN DELEGATION TO THE EIGHTH AND NINTH  
INTERNATIONAL LABOUR CONFERENCES TO BE HELD  
AT GENEVA.

1392. **\*Mr. B. Das:** (a) Will the Government be pleased to state if any nominations by the Indian Commercial Chambers were received after the 15th January, 1926, in connection with the representation of employers and workers' interests at the Eighth and Ninth Labour Conferences to be held at Geneva?

(b) If so, were they taken into consideration in composing the personnel of the Indian delegation?

**The Honourable Sir Bhupendra Nath Mitra:** (a) Yes.

(b) No.

SUBJECTS FOR DISCUSSION AT THE NINTH SESSION OF THE INTERNATIONAL  
LABOUR CONFERENCE.

1393. **\*Mr. B. Das:** (a) Will the Government be pleased to state if it is a fact that important matters affecting Indian shipping interests are to be discussed at the ninth session of the next International Labour Conference at Geneva?

(b) Is it a fact that representatives of British shipping interests in India have been nominated as the employers' delegates and advisers to the Ninth Conference? If so, why were the claims of representative Indians not considered?

(c) Is it a fact that Mr. Narottam Morarjee refused nomination to the Eighth Conference because it is concerned with matters which do not directly bear upon the development of Indian shipping?

**The Honourable Sir Bhupendra Nath Mitra:** (a) The subjects on the agenda of the Ninth Session of the International Labour Conference are:

- (i) International codification of rules relating to seamen's articles of agreement.
- (ii) General principles for the inspection of the conditions of work of seamen.

(b) I think the Honourable Member is under a misapprehension which appears to be shared by a certain section of the public at large. The Government of India have not a free hand in making these nominations. They are bound by the provisions of Article 389 of the Treaty of Versailles, which compels them to nominate in such cases "in agreement with the industrial organizations if such organizations exist, which are most representative of employers or workpeople, as the case may be in their respective countries." The claims of all the representatives suggested were considered, but the Government of India came to the conclusion that, had they selected as delegates any other nominee than Sir Arthur Froome on this occasion, they would have failed to comply with the provisions of the Treaty. As a matter of fact, they approached Mr. Narottam Morarjee with a view to his attending the Ninth Conference as Adviser, but he was not willing to act in this capacity.

(c) Mr. Narottam Morarjee refused a nomination to the Eighth Session, but the ground for his refusal was not as given by the Honourable Member. As a matter of fact, neither Conference deals with matters which directly bear on the development of Indian shipping as such.

†1394. and 1395.

#### SUPERINTENDENT OF THE STATISTICAL BRANCH IN THE OFFICE OF THE RAILWAY BOARD.

1396. **\*Mr. B. Das:** (a) Is it a fact that the Railway Board have recruited an outsider to fill up the post of the Superintendent in the Statistical Branch? If so, will Government be pleased to state the reasons why the claims of the seniormost assistant have been ignored?

(b) Is it a fact that an assistant was running the branch for so long? If so, what are the reasons for bringing in an outsider?

**The Honourable Sir Charles Innes:** The post of Superintendent of the Statistical Branch is in abeyance, *vide* page 45 of the Proceedings of Standing Finance Committee, Volume II, No. 3. The questions asked by the Honourable Member do not therefore arise.

#### GRANT OF FREE RAILWAY PASSES AND PRIVILEGE ORDER TICKETS TO THE CLERICAL STAFF OF THE RAILWAY BOARD.

1397. **\*Mr. B. Das:** Will Government kindly give in full the information asked for in parts (b) and (c) of starred question No. 966, on the 15th September, 1925, regarding the grant of free railway passes and privilege ticket orders to the clerical staff of the Railway Board?

**The Honourable Sir Charles Innes:** If the Honourable Member wishes the Pass rules explained to him, this will be done if he will call on the Secretary of the Railway Board for this purpose.

#### GRANT OF RAILWAY PASSES TO THE STAFF OF THE RAILWAY BOARD.

1398. **\*Mr. B. Das:** (a) With reference to rule III (2) of the rules for the grant of passes to the staff of the Railway Board which were laid on the table of this House in reply to question No. 966, on the 15th September, 1925, will Government be pleased to state what are the special reasons in consideration of which men with 20 years' service are allowed passes in excess of the prescribed monetary limit?

(b) Is it a fact that men under the State Railway Provident Fund Rules, draw less pay than the Secretariat scales of pay? If so, do Government propose to extend the full pass concessions to them?

**The Honourable Sir Charles Innes:** (a) Length of service.

(b) The answer to the first part of the question is in the affirmative, and the second in the negative.

#### PAY OF STENOGRAPHERS OF THE RAILWAY BOARD.

1399. **\*Mr. B. Das:** Is it a fact that the pay of the stenographers employed in the Government of India Secretariat has recently been revised and that the revised rates of pay have not been given to the stenographers of the Railway Board? If so, why?

**The Honourable Sir Charles Innes:** The Honourable Member is referred to the answer given in this House to question No. 1158 by Khan Bahadur Sarfaraz Hussain Khan on the 9th March last.

#### OVERWORKED CLERKS OF THE ISSUE BRANCH OF THE RAILWAY BOARD.

1400. **\*Mr. B. Das:** (a) Is it a fact that the clerks of the Issue Branch of the Railway Board are made to work till late hours at night, Sundays and holidays not being excepted?

(b) Is it a fact that the persons concerned recently submitted a written representation to the Director of Finance to take steps to discontinue this practice? If so, will Government please state what action has been taken thereon?

**The Honourable Sir Charles Innes:** (a) The volume and urgency of work sometimes necessitates working late at night as well as on holidays, particularly in connection with the preparation of the Budget and whilst the Demands for Grants are under discussion. This applies to the office as a whole.

(b) The reply is in the negative.

#### COST OF THE MINISTERIAL ESTABLISHMENT OF THE RAILWAY BOARD.

1401. **\*Mr. B. Das:** Will Government please state the actual cost of the ministerial establishment of the Railway Board on the 1st January, 1925 and 31st December, 1925, including the cost of the Technical office and surplus establishment, if any?

**The Honourable Sir Charles Innes:** The following are the figures of the actual monthly cost of the ministerial establishment:

	Office of Railway Board.	Technical Office.
	Rs.	Rs.
On 1st January 1925 .	38,461	Nil.
On 31st December 1925	33,00	3,859

RECRUITMENT OF THE CLERICAL STAFF FOR THE OFFICE OF THE RAILWAY BOARD.

1402. **\*Mr. B. Das:** (a) Is it a fact that a number of men have been recruited in the Railway Board's establishment including the staff of officers on special duty during the last six months who are not qualified men of the Staff Selection Board? If so, what is the number of such men?

(b) Did the Staff Selection Board approve of their appointments? If not, who approved them?

(c) Do they possess any special qualifications? If so, what?

**The Honourable Sir Charles Innes:** The regulations of the Staff Selection Board do not apply to the recruitment of clerical staff for the office of the Railway Board. The questions asked by the Honourable Member do not therefore arise.

RECRUITMENT OF THE CLERICAL STAFF FOR THE OFFICE OF THE RAILWAY BOARD.

1403. **\*Mr. B. Das:** Is it a fact that the Director of Finance attached to the Railway Board and some Deputy Directors make direct recruitments of clerks for their respective branches and that some clerks in the office are affected thereby?

**The Honourable Sir Charles Innes:** The reply is in the negative.

RECRUITMENT OF THE CLERICAL STAFF FOR THE OFFICE OF THE RAILWAY BOARD.

1404. **\*Mr. B. Das:** Is it a fact that three persons were taken in by three different officers of the Railway Board against one Mr. Dharambir on deputation and that when the discovery was made two men were absorbed in the surplus establishment?

**The Honourable Sir Charles Innes:** The reply is in the negative.

CONTROL BY THE DIRECTOR OF FINANCE, RAILWAY BOARD, OF THE RECRUITMENT AND PROMOTION OF THE CLERICAL STAFF OF THAT OFFICE.

1405. **\*Mr. B. Das:** (a) Will Government please state the designation of the officer or officers in charge of the ministerial establishment of the Railway Board?

(b) To what extent if any, does the Director of Finance control the recruitment and promotion of the clerical staff?

(c) How many men have been brought in by him or on his recommendation since he joined the Railway Board?

(d) Is it a fact that most of the men newly recruited have been given higher places over men with many years' service in the Board? If so, why?

(e) How many of them have been found qualified by the Staff Selection Board?

**The Honourable Sir Charles Innes:** (a) Secretary, Railway Board.

(b) None whatever.

(c) Only one man and he was a qualified accountant

(d) Some of the men taken over from the office of the Accountant General, Railways, or transferred from railway administrations had to be given seniority in the Railway Board's office with due regard to their service and position in the offices from which they were taken.

(e) In view of the reply to question No. 1402 by the Honourable Member, this question does not arise.

#### SENIORITY LIST OF THE CLERICAL STAFF OF THE OFFICE OF THE RAILWAY BOARD.

1406. **\*Mr. B. Das:** (a) Is it a fact that a draft seniority list was recently circulated to the clerical staff of the Railway Board with instructions to lodge written protests within four days in case any man had any complaints to make against the place assigned to him in the list?

(b) If so, will Government please state who prepared the list and what the occasion was for it?

(c) How many protests have been received and what action has been taken thereon?

(d) Were the branch officers or the Secretary consulted in preparing the list?

**The Honourable Sir Charles Innes:** (a) Yes.

(b), (c) and (d). To fix the relative seniority of men under the old and under the new rates of pay who were shown separately in the old list, a draft seniority list was prepared and circulated. A number of objections were received which were attended to. Branch officers were consulted where necessary.

#### GRANT OF TONGA HIRE AND DINNER ALLOWANCE TO THE STAFF OF THE BUDGET BRANCH OF THE RAILWAY BOARD.

1407. **\*Mr. B. Das:** (a) Will Government please state the actual amount drawn by the staff of the Railway Board's Budget Branch in the shape of *tonga* hire and *dinner* allowance during the month of December, 1925, and the first half of January, 1926?

(b) Who sanctions this expenditure and on whose recommendation and for what purpose?

(c) Is this sort of expenditure incurred by any other branch of the Railway Board? If not, why is it necessary for the Budget Branch?

(d) Is it a fact that daily *tonga* hire is given to certain persons?

(e) How many extra men could be appointed with the amount spent on this account?



**The Honourable Sir Charles Innes:** (a) Separate figures for tonga hire for the Budget Branch are not available. No dinner allowance was given, but on occasions when men of that branch remained in office till a very late hour, refreshments were provided by the Director of Finance at his own expense.

(b) Tonga hire is paid when an officer certifies that an employee was detained in office in the interest of work after 7 P.M. when no bus is available to take him home.

(c) The practice is general and is not restricted to any particular branch of the office.

(d) No.

(e) Does not arise.

**Mr. B. Das:** May I know, Sir, if the Honourable the Finance Member supplies such conveniences to his overworked staff while the Budget is being prepared in his Department?

**The Honourable Sir Basil Blackett:** If the Honourable Member will put the question down, he will get an answer.

NUMBER OF OFFICERS ON SPECIAL DUTY IN THE RAILWAY BOARD.

1408. **\*Mr. B. Das:** (a) How many officers on special duty are there at present in the Railway Board?

(b) Will Government please lay a statement on the table showing their respective duties, rates of pay, substantive appointments held by them, and pay drawn by them before their appointments on special duty?

**The Honourable Sir Charles Innes:** (a) Four.

(b) A statement giving the information is laid on the table.

*Statement referred to in the reply to part (b) of question No. 1408 by Mr. B. Das.*

Name.	Duty.	Pay.	Substantive appointment.	Pay of that appointment.
		Rs.		Rs.
Mr. M. H. Khan	To prepare in full detail a list of railway projects put forward by local administrations.	860	Superintendent, Railway Board's office.	680
Mr. R. G. Marriott.	To advise in the matter of purchase of timber and kindred subjects.	2,000	Deputy Conservator of Forests.	950 plus £30.
Mr. Gopal Nath	To co-ordinate the system of the compilation of statistics in force on different Railways.	800	Compilation Officer for Statistics, North Western Railway.	535
Col. R. A. Needham	To reorganize Medical and Sanitary arrangements on the North Western Railway and other State Railways.	3,150	Deputy Director General, Indian Medical Service.	2,400 plus £13-6-8.

# DUTIES OF THE DEPUTY SECRETARY AND CHIEF SUPERINTENDENT OF THE RAILWAY BOARD.

1409. **\*Mr. B. Das:** (a) Will Government please state what are the respective duties of the Deputy Secretary and the Chief Superintendent of the Railway Board and what were the duties of the Assistant Secretary?

(b) What pay is drawn by each of them and what pay was drawn by the Assistant Secretary before the appointment was abolished?

(c) Will Government please state in figures the actual saving to Government by the present arrangement with reference to the reply given to part (a) of the unstarred question No. 168 on the 14th September, 1925?

(d) With reference to the reply given to part (b) of the question referred to above, will Government kindly state to what post Mr. Rundlett reverted on relinquishing charge of the office of Assistant Secretary?

(e) Is it a fact that he continued in the appointment with a different nomenclature and slightly less pay?

**The Honourable Sir Charles Innes:** (a) A statement is laid on the table describing, respectively, the duties of the Deputy Secretary, the Chief Superintendent, and those previously allotted to the post of Assistant Secretary which has been abolished.

(b) Deputy Secretary—Rs. 1,300,  
Chief Superintendent—Rs. 700—900,  
Assistant Secretary—Rs. 1,000—1,250.

(c) As regards the question of savings, the reorganisation of the Railway Board must be considered as a whole and the details of the reduction of expenditure are given in the Proceedings of the Standing Finance Committee for Railways (*vide* Memorandum at page 45 of their Proceedings, Volume II, No. 3.)

(d) Superintendent.

(e) No.

*Statement referred to in the reply to part (a) of question No. 1941 by Mr. B. Das.*

Post.	Brief description of duties.
Deputy Secretary . . .	Controls the Establishment and General Branches of the office and acting under instructions of the Secretary and the Board deals with questions affecting individuals in the Railway establishments and all matters affecting Unions, strikes, titles, decorations, grants, etc. Assists the Secretary in the general supervision of business in all Branches of the office. Controls the expenditure of the Board's office against the grant and is in charge of the ministerial office establishment.
Chief Superintendent . . .	Performs the ordinary duties of the Superintendent of one of the Branches of the office and is, in addition, in charge of office management such as preparation of bills, movement of office, office stationery, furniture, telephones, printing office procedure and all correspondence in connection therewith. He is also in charge of the inferior establishment.
Assistant Secretary . . .	All the work now performed by the Chief Superintendent together with that portion of Deputy Secretary's work which pertains to the control of office establishment.

REDUCTION OF THE CLERICAL ESTABLISHMENT OF THE OFFICE OF THE  
RAILWAY BOARD.

1410. **\*Mr. B. Das:** With reference to the reply to part (c) of unstarred question No. 166 put in this House on the 14th September, 1925, that some of the men were confirmed by the Railway Board's orders of the 22nd January, 1925, with retrospective effect from the 1st November, 1924, and the reply to part (d), that the orders of the 22nd January were not reversed in some cases by the orders of the 21st May, 1925, and the reply to part (c) of the same question, that the reversions were made to keep within the reduced cadre, will Government be pleased to lay copies of the two office orders in question on the table?

**The Honourable Sir Charles Innes:** Copies of the office orders are being sent to the Honourable Member.

RETIREMENT OF MEMBERS OF THE CLERICAL ESTABLISHMENT OF THE OFFICE  
OF THE RAILWAY BOARD.

1411. **\*Mr. B. Das:** With reference to the reply given in this House to unstarred question No. 167 on the 14th September, 1925, will Government please state how many of the 10 members of the staff of the Railway Board have been retired? If the full number has not been retired, will Government please state the reasons for revising their previous decision?

**The Honourable Sir Charles Innes:** Six have already been retired. The previous decision has not been revised and the question of selecting others for retirement is under consideration.

APPOINTMENTS IN THE ELECTRIFICATION BRANCH OF THE MECHANICAL  
DEPARTMENT OF THE GREAT INDIAN PENINSULA RAILWAY.

1412. **\*Mr. B. Das:** (a) Will Government be pleased to state whether it is a fact that recent Superior Revenue appointments in the Electrification Branch of the Mechanical Department of the Great Indian Peninsula Railway are being made without duly advertising the vacancies in the Press?

(b) Will the Government be pleased to state whether such minimum standard of qualifications as are fixed for recruitment in the Indian Service of Engineers is adhered to in making these appointments?

**The Honourable Sir Charles Innes:** The reply to both parts of the question is in the negative.

INDIANISATION OF THE STORES DEPARTMENT OF STATE RAILWAYS.

1413. **\*Mr. B. Das:** (a) Will Government be pleased to state what is the total number of posts in the superior grade of the Stores Department of the various Railways controlled by the State and how many of these posts are occupied by Indians?

(b) Do Government propose to give effect to 75 per cent. of Indianisation in the superior grade of the Stores Department of the various Railways?

**The Honourable Sir Charles Innes:** (a) Full information regarding the nationality of Stores Officers on the East Indian and Great Indian Peninsula Railways is not available, but on the old State lines there are 23 officers of whom 15 are Indians including statutory Indians.

(b) It is proposed to fill, in future, the superior cadre of State Railways, Stores Department, from officers of the Civil and Mechanical Engineering Departments. As regards the Indianisation of these latter Departments the Honourable Member is referred to the replies I gave to certain Honourable Members in the course of the debate on the Railway Budget on the 24th and 25th February, 1926.

#### PROVIDENT FUND AND FIDELITY INSURANCE ARRANGEMENTS IN CURRENCY OFFICES.

1414. **\*Mr. B. Das:** (a) Will Government be pleased to state if they have come to any decision on the question of Provident Funds and guarantee contributions by the Currency Office staff as was raised in starred question No. 987 of 1925?

(b) Will Government be pleased to state when they intend to publish their new Provident Fund Rules for all classes of employees?

**The Honourable Sir Basil Blackett:** (a) The Government have decided that a radical change in the Provident Fund and Fidelity Insurance arrangements in Currency Offices is undesirable at present. They have, however, sanctioned a new Fidelity Insurance scheme under which the premia payable by the employees have been reduced to one-quarter of the amount payable at present. The new scheme will probably come into force from the 1st April 1926.

(b) If, as I presume, the Honourable Member is referring to the draft Contributory Provident Fund Rules I may tell him that these are being examined and will be issued when they are finally approved by the Secretary of State in Council.

#### INTRODUCTION OF A PROVIDENT FUND SYSTEM.

1415. **\*Mr. B. Das:** Will Government be pleased to state if they have come to any decision in regard to the Resolution of the Council of State passed in February, 1924, for the introduction of a Provident Fund system? Will they be pleased to lay on the table a statement showing the steps that have been taken in this direction up to now during course of the last two years?

**The Honourable Sir Basil Blackett:** I have explained the position in the reply given to the Honourable Member's unstarred question No. 51 on the 25th August last. No decision has yet been arrived at.

#### INTRODUCTION OF A NEW FIDELITY INSURANCE SCHEME FOR EMPLOYEES OF CURRENCY OFFICES.

1416. **\*Mr. B. Das:** (a) Will Government be pleased to state whether it is a fact that they are considering the question of introducing a new insurance scheme for the benefit of employees of Indian Currency Offices which will be brought into force from 1st April, 1926?

(b) If the answer to part (a) is in the affirmative, have they asked for any constructive proposals from the staff of Currency Offices for a mutual insurance scheme as stated in answer to my question No. 94 of 26th August 1925? If not, do they propose to call now for such proposals?

(c) Will Government be pleased to lay on the table a copy of this proposed scheme?

**The Honourable Sir Basil Blackett:** (a) and (c). The Honourable Member is referred to the answer just given to question 1414.

(b) The Government do not intend to call for such proposals for the reasons stated in answer to part (d) of question 94 of the 26th August 1925.

UTILISATION OF THE BOMBAY CURRENCY OFFICE CO-OPERATIVE CREDIT  
SOCIETY AS AN AGENCY TO UNDERTAKE FIDELITY INSURANCE  
FOR THE CURRENCY OFFICE STAFF.

1417. **\*Mr. B. Das:** Will Government be pleased to state whether their attention has been drawn to the resolution passed at the meeting of the Bombay Currency Office, Co-operative Credit Society, Ltd., on 30th of March, 1925, regarding the acceptance of Fidelity Bonds from the Society?

**The Honourable Sir Basil Blackett:** The reply is in the affirmative. The Government do not propose to use the Bombay Currency Office Co-operative Credit Society as an agency to undertake Fidelity Insurance for the Currency Office staff.

UNSTARRED QUESTIONS AND ANSWERS.

EXPULSION OF MAULANA MOHAMMAD ISHAQ FROM THE NORTH WEST  
FRONTIER PROVINCE.

252. **Mr. S. Sadiq Hasan:** (1) Are the Government aware that Maulana Mohammad Ishaq, a resident of the North West Frontier Province, was expelled and is still not allowed to return to his province?

(2) Are the Government aware that the Maulana is now residing at Rawalpindi and does not get a single pie from the Government for his expenses?

(3) Are the Government aware that the Maulana averted the happening of a Hindu-Moslem riot at Rawalpindi and that the Deputy Commissioner of Rawalpindi recommended to the Punjab Government to secure the cancellation of expulsion orders?

(4) Are the Government aware that the political atmosphere in the country has cooled down, and, if so, do Government propose to allow the Maulana to return to the North West Frontier Province without any conditions?

**The Honourable Sir Alexander Muddiman** (1) and (2). Yes.

(3) No. The suggestions made in this part of the question have no foundation in fact.

(4) Government are not so aware, and it is not at present proposed to allow Mohammed Ishaq to return to the North West Frontier Province.

**APPOINTMENT OF A COMMITTEE TO INQUIRE INTO THE WORKING OF THE  
ARMY CANTEN BOARD (INDIA).**

**253. Khan Bahadur W. M. Hussanally:** Will the Government be pleased to state if they propose to appoint a committee consisting of an equal number of officials and non-officials and presided over by an Army officer to be nominated by H. E. the Commander-in-Chief to inquire into and scrutinize the working and the accounts of the Army Canteen Board, and after such inquiry and investigation to report as to the advisability or otherwise of retaining the system and granting it a further loan besides the Rs. 30 lakhs already advanced?

**Mr. E. Burdon:** The attention of the Honourable Member is invited to the reply given on the 15th March, 1926, to his unstarred question No. 221 and also to the reply given on the 19th instant to his unstarred question No. 234.

**REVISION OF THE PAY OF SHROFFS IN CURRENCY OFFICES.**

**254. Mr. B. Das:** (a) Will Government be pleased to state whether their attention has been drawn to the inadequate scale of pay of the shroffs as stated in the representation by the Bombay Currency Association? If the answer be in the affirmative, will Government be pleased to state if the same has received favourable decision in their hands?

(b) Is it a fact that the shroffs in Currency Offices get an increment of one rupee per annum?

(c) Do Government propose to revise their scales of pay from the scale offered to them in 1922?

(d) Will Government be pleased to state whether the following comparative statement showing the scales of pay of the clerks and the shroffs in the Bombay Currency Office is correct?

Date.	CLERKS.		SHROFFS.		Head Shroff.
	Minimum.	Maximum.	Minimum.	Maximum.	
	Rs.	Rs.	Rs.	Rs.	Rs.
1919 . . . . .	30	100	30	50	50
1st January, 1920 . . . . .	40	100	40	60	70
13th October, 1920 . . . . .	50	100	50	70	80
1st March, 1922 . . . . .	60	100	50	80	90
1st June, 1924 . . . . .	60	150	50	80	90

(e) If the answer to the above be in the affirmative, do Government propose proportionately to revise the scale of shroffs along with that of the clerks?

## PAY OF THE MENIALS OF THE BOMBAY CURRENCY OFFICE.

255. **Mr. B. Das:** (a) Will Government be pleased to state whether the minimum pay of lower class servants in the Bombay Currency Office, called "menials" is only Rs. 10 (excluding allowances) and whether their maximum pay is Rs. 14 only?

(b) Is it a fact that allowances to these menials are not given in the case of sick leave on half pay?

(c) Will Government be pleased to state the average pension that retired menials of the Bombay Currency Office are drawing?

(d) What is the usual scale of rise of this class of loyal servants of the Currency Office?

(e) Will Government be pleased to state if it is a fact that the clerical staff and menials of other Imperial Departments in Bombay receive a better scale of pay after revision? Do Government propose to apply the same scale of pay to the menials of the Currency Department without waiting for the lead of the Local Government of Bombay in the matter?

## GRANT OF INCREMENTS TO THE CLERKS IN THE BOMBAY CURRENCY OFFICE.

256. **Mr. B. Das:** (a) Are Government aware that on the introduction of the revision of 1924, the senior clerks got practically very little benefit and that in the Bombay Currency Office clerks got as follows?

Clerks who have put in 3 years' service got Rs. 75.

Clerks who have put in 10 years' service got Rs. 80.

Clerks who have put in 16 years' service got Rs. 95.

(b) Do Government propose to consider the advisability of granting two or three increments to them?

## PAY OF NOTE CHECKERS IN CURRENCY OFFICES.

257. **Mr. B. Das:** (a) Are Government aware that there is a good deal of discontent amongst note examiners in Currency Offices owing to the differentiation in pay in the note verification section and the note checker's section?

(b) Do Government propose to bring the salaries of note checkers to the same grade as that of the note verification section?

**The Honourable Sir Basil Blackett:** The information required by the Honourable Member is being collected, and will be supplied to him as soon as possible.

## REVISION OF THE PAY OF SUPERINTENDENTS IN CURRENCY OFFICES.

258. **Mr. B. Das:** Will Government be pleased to state whether they are aware that the scale of pay of the Superintendents, etc., of the Currency Offices was not revised by the revision of 1924? If so, will Government be pleased to state whether they are going to revise the scale of pay of the Superintendents of the Currency Office now? If not, why not?

**The Honourable Sir Basil Blackett:** The pay of Superintendents in Currency Offices was not revised in 1924, for the reason that a further revision was not considered necessary, in view of the nature of the work, and the prospects of further promotion open to Currency Office Superintendents. But Superintendents in the Currency Offices at Karachi, Lahore and Cawnpore were placed on a scale of Rs. 200—10—800 per mensem to bring them on to a level with Superintendents in the Madras Currency Office. Further revision of the rates of pay of Superintendents in Currency Offices is not under consideration.

### BILL PASSED BY THE COUNCIL OF STATE.

**Secretary of the Assembly:** Sir, in accordance with Rule 25 of the Indian Legislative Rules, I lay on the table the Bill to amend the provisions of section 33 of the Indian Succession Act, 1925, which was passed by the Council of State at its meeting held on the 23rd March, 1926.

### MESSAGE FROM THE COUNCIL OF STATE.

**Secretary of the Assembly:** Sir, the following Message has been received from the Secretary of the Council of State:

"I am directed to inform you that the Council of State have, at their meeting held on the 22nd March, 1926, agreed without any amendments to the following Bills which were passed by the Legislative Assembly on the 16th and 17th March 1926 :

1. The Indian Finance Bill, 1926.
2. A Bill to provide for the regular submission of returns of quantities of cotton goods manufactured and cotton yarn spun in British India.
3. A Bill to define in certain cases the rights of legal practitioners to sue for their fees and their liabilities to be sued in respect of negligence in the discharge of their professional duties.
4. A Bill to amend the law relating to the appointment of legal practitioners in civil suits and for this purpose further to amend the Code of Civil Procedure, 1908.
5. A Bill to provide for the maintenance of the works established to supply drinking water in bulk for the urban area of the city of Delhi, and for that purpose to constitute a Joint Water Board to undertake such maintenance.
6. A Bill further to amend the Indian Income-tax Act, 1922, for certain purposes.
7. A Bill further to amend the Indian Divorce Act.
8. A Bill further to amend the Indian Factories Act, 1911.
9. A Bill to explain certain provisions of the Transfer of Property Act, 1882."

### STATEMENT LAID ON THE TABLE.

#### PURCHASE OF STORES BY THE HIGH COMMISSIONER FOR INDIA.

**The Honourable Sir Bhupendra Nath Mitra** (Member for Industries and Labour): Sir, I beg to lay on the table a statement furnished by the High Commissioner for India showing all cases in which the lowest tenders have not been accepted by him in purchasing stores for the Government of India during the half year ending the 31st December, 1925.



HIGH COMMISSIONER FOR INDIA,  
INDIA STORE DEPARTMENT.

ABSTRACT OF CASES in which Tenders, other than the lowest complying with the technical description of the goods demanded, were accepted on the grounds of superior quality, superior trustworthiness of the firm tendering, greater facility of inspection, quicker delivery, etc.

HALF-YEAR ENDING 31ST DECEMBER, 1925.

PART A.—Cases in which lower foreign tenders, including British tenders for foreign made goods, have been set aside wholly or partially in favour of British tenders.

STATEMENT LAID ON THE TABLE.

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Stores Ordered.	Contract Number.	Name of Contractor.	Amount of Contract. £ s. d.	Lowest Tender not accepted. £ s. d.	Reason for acceptance.
Goods Brake-Vans . . .	E. 2632/1764, 18th July 1925.	Stableford & Co., Ltd.	15,915 0 0	12,900 0 0 (Czecho-Slovak). 13,150 0 0 (German).	Thirty of the fifty brake-vans were very urgently required to reach India in September. The delivery offered by the lowest tenderer, viz., 28 to 28 weeks, was unreasonably long. The next tenderer offered slightly better delivery, viz., 18 to 20 weeks, but, was already five months late in executing a previous contract. His delivery was thus not only too long but clearly unreliable. Messrs.-Stableford offered delivery in 10 to 13 weeks and have been fairly punctual with recent orders. The extra cost of inspection abroad, if the order had been placed with the lowest tenderer, would have exceeded the difference between the two quotations.
Wire Fencing . . .	E. 2631/4102, 17th July 1925.	Dorman Long & Co., Ltd.	569 12 10	550 17 4 (German).	Accepted on account of the quicker delivery offered.
Rails and Fishplates . . .	E. 3024/4404, 1st August 1925.	Cargo Fleet Iron Co., Ltd.	5,423 1 6	5,155 16 0 (German).	The stores were required to reach India by October 1925 and the delivery offered by the lowest suitable tenderer (viz. 10 to 18 weeks) would not comply with this requirement. The next lowest tender offered completion in 8 weeks and this quotation was therefore accepted.

**PART A.—Cases in which lower foreign tenders, including British tenders for foreign made goods, have been set aside wholly or partially in favour of British tenders—contd.**

Stores Ordered.	Contract Number.	Name of Contractor.	Amount of Contract.	Lowest Tender not accepted.	Reason for acceptance.
Screws . . . . .	E-3125/4398, August 1925.	Henry Cox Screw Co., Ltd.	£ s. d. 718 17 8	£ s. d. 683 19 3 (German).	Accepted on the ground of the superiority of the goods which represented more than the difference in price. The samples submitted by the German firm were inferior in quality.
Wheels and Axles . . . . .	E-3229/1877, August 1925.	Owen and Dyson, Ltd.	1,620 0 0	1,566 0 0 (German).	The extra cost of inspection abroad would have exceeded the difference between the two quotations.
Galvanised Strand wire . . . . .	E-3227/5174, August 1925.	The Whitecross Co., Ltd.	1,037 6 5	1,005 12 6 (German).	The wire was required to be shipped in two instalments, in October and December, 1925. Inspection of the stores at the works of the Whitecross Co. could be made by the staff resident in the district, whereas two special visits to Germany would have been necessary if the continental quotation had been accepted. The extra cost of such inspection would have exceeded the difference between the two quotations.
Accumulators . . . . .	E-3297/4451, August 1925.	Edison Accumulators, Ltd.	495 0 0	204 0 0 (German). 240 0 0 (British). for 600 cells.	Accepted on grounds of quicker delivery, and the superiority of the cells offered. The indent was for 900 cells, of which 600 were stated to be required immediately. The two lowest tenders required respectively five and six weeks for delivery of the urgent quantity, whereas the next tenderer, Messrs. Edison Accumulators Ltd., offered a larger, heavier and stronger type of cell for immediate supply from stock.
					It was considered that this type would last longer in use than either of those offered by the lower tenderers. The 600 cells were therefore ordered of Messrs. Edison Accumulators Ltd.
					The type of cell indented for in this case is understood to have not yet been tried in India. It is therefore proposed to allocate the remaining 2,000 cells between the two lowest tenderers, as it is considered desirable that the authorities concerned in India should have experience of each available type so as to determine by practical test the make most suitable for their requirements.

**PART A.—Cases in which lower foreign tenders, including British tenders for foreign made goods, have been set aside wholly or partially in favour of British tenders—contd.**

Stores Ordered.	Contract Number.	Name of Contractor.	Amount of Contract.	Lowest Tender not accepted.	Reason for acceptance.
Coachscrews, steel . . .	E-3336/5171, dated 24th August 1925.	C. Richards & Sons . . .	£ s. d. 134 17 3	£ s. d. 112 4 0 (Belgian).	The lowest tenderer (Belgian) required eight weeks for delivery, which, even if adhered to, would not comply with the requirements as specified in the Indent, viz. half required to reach India in October, 1925. Moreover work on all contracts placed with Belgian makers was at the time at a standstill owing to a strike in that country. It was necessary, therefore, to place the order with the next lowest tenderer (a British firm) who offered delivery in three weeks.
Tubing Galvanised . . .	E-3550/5175, dated 4th September 1925.	Stewarts & Lloyds, Ltd. . .	1,308 7 5	1,275 13 4 (Continental).	The accepted tender was considered to be the most advantageous taking into account the higher cost of inspection that would have been entailed by acceptance of the foreign tender.
Screw Couplings . . .	E-3635/5031, dated 10th September 1925.	Stableford and Co., Ltd. . .	4,720 0 0	4,640 0 0 (Czecho-Slovakian) for 3,200 couplings.	Out of 5,000 screw couplings 1,700 were required to be ready for shipment by October 1925 and 4,000 by February 1926. A Czecho-Slovak firm offered the couplings at 29s. 6d. per pair for delivery of 1,500 in 13 weeks and 1,500 per month thereafter; but it was doubtful if this time in itself somewhat too long, would be adhered to, as a percentage of the articles would have to be sent to England for test at the National Physical Laboratory. Messrs. Stableford and Co. quoted 29s. 11d. per pair and offered delivery of 500 in 8 weeks and 375 per week thereafter. Division was essential both to safeguard against delay in completion and to secure the best initial instalments. Half the main quantity and the additional 700 couplings were therefore ordered of Stableford and Co. The remaining 2,500 were ordered from the lowest tenderer (the Czecho-Slovak firm).

**PART A.—Cases in which lower foreign tenders, including British tenders for foreign made goods have been set aside wholly or partially in favour of British tenders—contd.**

Stores Ordered.	Contract Number.	Name of Contractor.	Amount of Contract.	Lowest Tender not accepted.	Reason for acceptance.
Carriages, 4 wheeled .	E-3687/275, 13th September 1925.	Stableford and Co., Ltd. .	£ s. d. 2,050 0 0	£ s. d. 2,060 0 0 (German).	The accepted tender was the best offer having regard to the cost of inspection abroad and the deliveries offered. The carriages were required as early as possible during 1925-26.
Brass, Screws . . .	E-3674/6247, 12th September 1925.	Henry Cox Screw Co., Ltd. .	30 13 6	20 19 5 (German).	The lowest tenderer required 25 weeks for delivery, whereas Messrs. Stableford offered to deliver within 14 weeks.
Steel Fishbolts . . .	E-3760/278, 18th September 1925, for 35 Tons. E-3761/275, 18th September 1925, for 65 Tons.	A. de Bary . . . . Guest Keen and Nettelfolds, Ltd.	18 0 0 per ton. 21 0 0 per ton.	17 9 0 per ton. Belgian. (This tender was accepted for 35 tons.)	The contract for these fishbolts, amounting in all to 180 tons, was placed in February 1925 with the Pioneer Works, Holland, this firm's tender being the lowest in accordance with the specification. They promised delivery of one-third of the quantity by the end of March and the remainder by the end of June 1925. By the 15th August no delivery had been made, and the contract was accordingly cancelled, the contractors being, however, allowed to complete and submit for inspection about 45 tons of bolts which had been partly made. Fresh tenders were invited by advertisement in August 1925.  The lowest tender in accordance with the specification was that of a Belgian firm at £17-9-0 per ton.

This firm, although reliable contractors for other classes of material, had never made fishbolts for Indian Railways, and it was therefore considered unwise, having regard to previous experience and to the urgency of the requirements, to give them more than a small trial order. Their tender was accordingly accepted for 35 tons only.

**PART A.—Cases in which lower foreign tenders, including British tenders for foreign made goods, have been set aside wholly or partially in favour of British tenders—contd.**

Stores Ordered.	Contract Number.	Name of Contractor.	Amount of Contract.	Lowest tender not accepted.	Reason for acceptance.
			£ s. d.	£ s. d.	
Steel Boiler Tubes	E-3856/5790, 24th September 1925.	Stewarts & Lloyds, Ltd.	3,936 9 0 (for 7,775 tubes).	2,750 8 9 (German) (for 10,775 tubes).	<p>The next tender in accordance with the specification was from another Belgian firm at £18-1-0 per ton, and to this firm the same consideration applied. A trial order for 35 tons was accordingly placed with them.</p> <p>The next tender was from another Belgian firm at £19-14-0 per ton. This firm are satisfactory makers but their delivery (14 to 15 weeks) was too long and the higher cost of inspection at their works would have made their tender, in the end, very nearly equal to that of the lowest British tenderer at £21-0-0 per ton.</p> <p>The remaining quantity, namely, 65 tons, was accordingly ordered from Messrs. Guest, Keen and Nettlefolds for immediate delivery, thus meeting, to some extent, the requirements of the Indenting Departments as regards delivery.</p> <p>87,000 tubes were demanded. 300 tubes were required in August and December, 1924; and out of the remaining 86,500,—19,275 were required in November 1925.</p> <p>Supplies from the German firm would not reach India before the end of December and in order to avoid inconvenience, it was necessary to allocate parts of the order, as shown, to two British firms who offered earlier delivery. The bulk of the order (76,235 tubes) was ordered from the lowest tenderer (German).</p>
Fencing Steel Wire	E-3983/4418, 24th September 1925.	The Darlington Fencing Co., Ltd.	111 2 0	96 7 6 (German).	<p>Supply was required as early as possible and the Darlington Co. offered earlier delivery; also, the cost of inspection of the German fencing would have been more than the difference between the two quotations.</p>

PART A. — Cases in which lower foreign tenders, including British tenders for foreign made goods, have been set aside wholly or partially in favour of British tenders — contd.

Stores Ordered.	Contract Number.	Name of Contractor.	Amount of Contract.	Lowest Tender not accepted.	Reason for acceptance.
Steel Boiler Tubes	E-4102/8367, October 1925.	The British Mannesmann Tube Co., Ltd.	£ s. d. 1,889 1 3 (for 2,500 tubes 14' 3½" long).	£ s. d. 1,718 15 0 (for 2,500 tubes) French.	30,700 boiler tubes were indented for to be supplied in three equal instalments, the first to reach India by November 1925, and subsequently telegraphed that 15,000 of them were required immediately as stock was exhausted.
	E-4103/8367, October 1925.	Stewart & Lloyds, Ltd.	£ s. d. 1,806 10 8 (for 5,000 tubes 10' 8½" long).	1,718 15 0 (for 2,500 tubes) French.	Shipment of supplies from either of the two lowest tenders (one French and one German) would not commence in less than about seven weeks, so that it was necessary to place part of the order with British makers offering earlier delivery.
		Total	£ s. d. 22,434 17 11 (for 7,500 tubes).		2,500 were allotted to the British Mannesmann Tube Co., at the price shown, for shipment in one to two weeks, and 5,000 to Messrs. Stewart & Lloyds for shipment in two to three weeks.
Wire Brass	E-419/8502, October 1925.	Charles Clifford & Son, Ltd.	£ s. d. 87 5 1	49 3 8 (Continental).	Only partial effect was thus given to the indenting officer's request for immediate delivery, because of the heavy extra cost (£716-2-11 for 7,500 tubes).  The lowest tender (French) was accepted for the remaining 23,200 tubes.
Sulphate of Copper	E-470/8543, October 1925.	British Sulphate of Copper Association, Ltd.	£ s. d. 61 11 3	44 1 3 (Belgian).	The accepted tender was considered to be the most advantageous taking into account the higher cost of inspection that would have been entailed by acceptance of the foreign tender.  The accepted tender was considered to be the most advantageous taking into account the higher cost of inspection that would have been entailed by acceptance of the foreign tender.

**PART A.—Cases in which lower foreign tenders, including British tenders for foreign made goods, have been set aside wholly or partially in favour of British tenders—contd.**

**STATEMENT LAID ON THE TABLE.**

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Stores Ordered.	Contract Number.	Name of Contractor.	Amount of Contract.	Lowest Tender not accepted.	Reason for acceptance.
			£ s. d.	£ s. d.	
Superheater Flue Tubes	E-4335/753, 10th November 1925.	P. E. Hanfing, Ltd.	342 10 0 (for 400 tubes).		The demand was received on 12th October and was advertised, tenders being received on 3rd November. Of 910 tubes indented for, 250 were required to reach India during November and 260 in December 1925.  The two lowest tenders offered the urgent portions in from six to eight weeks; while the third lowest promised to deliver in ten days.  The 510 tubes required immediately were therefore ordered from the latter firm and the balance of 400 from the lowest tenderer.
	E-4339/753, 10th November 1925.	British Mannesmann Tube Co., Ltd.	836 10 10 (for 510 tubes).		
		Total of the two Contracts	1,178 0 10	797 7 6 (French).	
Copper Wire	E-4670/743, 12th November 1925.	General Electric Co., Ltd.	121 10 3	117 11 5 (German).	The extra cost of inspection abroad, would have exceeded the difference between the two quotations. Moreover, an instalment was required to reach India by December and the accepted firm offered to commence delivery in 10 days whereas the German tenderer required six weeks.
Tube Phials	E-4715/713, 13th November 1925.	Foley's	123 15 0	121 10 0 (German).	There had been delay in delivery under a previous contract with the lowest tenderer and the tube phials were required in India by 1st January 1926.  In order to lessen the risk of delay, the order was divided equally between the two lowest tenderers.
Steel Boiler Tubes	E-5088/5089, 5th December 1925.	J. O'Hara Murray (5,000 tubes)	9 5 4 (German).		6,000 tubes were required in India in December 1925 and 2,000 in February 1926. Shipment of tubes by the lowest tenderer, O'Hara Murray, German Agent, would take place in about eight weeks.  The next tenderer (French) offered longer delivery.  The third Tubes Ltd., British, offered tubes for shipment in from two to three weeks.  By dividing the order as shown 5 to 6 weeks were gained.
	E-5089/5089, 5th December 1925.	Tubes Ltd. (3,000 tubes)	878 12 6 (British).		
		Total of the two Contracts	1,864 0 10	1,865 8 4 (German).	

PART A.—Cases in which lower foreign tenders, including British tenders for foreign made goods, have been set aside wholly or partially in favour of British tenders—contd.

Stores Ordered.	Contract Number.	Name of Contractor.	Amount of Contract.	Lowest Tender not accepted.	Reason for acceptance.
Bridgework	E-5145/S-7758. 9th December 1925.	Widnes Foundry Co., Ltd.	£ s. d. 10,837 4 3	£ s. d. 19,033 3 0 (German).	The indent stated "early delivery of the girders is an essential feature of the contract." The lowest tender offered metric sections, some of which were not suitable, and the delivery offered was 14 to 32 weeks. The next tender (British) promised delivery in 10 to 26 weeks and there appeared to be every prospect of punctual delivery. Particulars were telegraphed to the indenting officer who accepted the British tender.
Bridgework	E-5215/6301. 14th December 1925.	Patent Shaft and Axletree Co., Ltd.	7,033 2 6	Two lowest Tenders. £ s. d. 6,712 10 0 (German). 6,931 15 0 (German).	The girders were required to reach India in December 1925. The lowest tenderer offered delivery in 21 weeks to which must be added 4 weeks for transport from works to port of shipment. Further delay would have been caused, as in previous Continental contracts, by the necessary alterations of design to suit Continental sections. Delivery in India could not be expected before about August 1926. The second tenderer also offered Continental sections for delivery in 16 weeks plus delay for alteration of design plus four weeks for transport. This firm is good and reliable but the saving in comparison with the third tender (£30) would have been swallowed up in extra cost of inspection and the girders could not reach India until about the end of June 1926. The third tender was the only one offering correct sections; the firm undertook delivery in 12 weeks and the tender was accepted on the grounds of superior reliability, quicker delivery and saving on inspection costs.



**PART A.—Cases in which lower foreign tenders, including British tenders for foreign made goods, have been set aside wholly or partially in favour of British tenders—concl.**

Stores Ordered.	Contract Number.	Name of Contractor.	Amount of Contract.	Lowest Tender not accepted.	Reason for acceptance.
Springs, Helical and Volute	E-5226/5855. December 1925.	Geo. Satter & Co., Ltd.	£ s. d. 1,393 6 8	£ s. d. 1,191 5 0 (German).	The springs had originally been ordered from a German firm in June 1925.  The contractors proved to be unable to manufacture the springs satisfactorily and it has therefore been necessary to cancel the contract.  After 5 months' delay the supply of the springs had become a matter of urgency and the indenting officer called for their immediate supply.
	E-5244/5090. December 1925.	Carters (Skoda Works)	608 2 0	...	The order has therefore been placed with the firm who offered the shortest delivery, and the extra cost incurred over and above the original contract price is being recovered from the original contractors.
Steel Tyres.	E-5244/5090. December 1925.	Steel Co. of Scotland	2,072 10 0 2,680 12 6	2,558 16 0 (Czecho-Slovakia).	Over half the number of tyres were required to reach India by December 1925, and the remainder by February 1926.  The lowest technically satisfactory tender was that of the Skoda Works, £2,558-16-0, delivery 10 weeks, to which must be added four weeks for transit to port of shipment and an allowance for delay in delivery seeing that the last order placed with this firm was completed six weeks late.
	E-5243/5849. 31st December 1925.	R. & W. Hawthorn Leslie & Co., Ltd.	5,162 6 0	5,103 0 0 (German).	In order to secure the required delivery the urgent items were ordered from the Steel Co. of Scotland for delivery in five weeks, together with two other items for which their tender was actually the lowest for delivery in seven weeks, and the remainder was ordered from the Skoda Works.  The accepted tender was considered to be the most advantageous, taking into account the higher cost of inspection that would have been entailed by acceptance of the foreign tender.

## PART B.—Cases in which the discrimination is between British firms only.

Stores Ordered.	Contract Number.	Name of Contractor.	Amount of Contract.	Lowest Tender not accepted.	Reason for acceptance.
Paint signal red . . .	E-2211/2730, 22nd June 1925.	Lewis Berger and Sons, Ltd.	£ s. d. 43 10 0 for 40 gallons.	£ s. d. 96 0 0 for 120 gallons.	The indent stated that Berger's paint was preferred. A quotation lower than that submitted by Berger and Sons was received from another firm whose sample compared favourably with that from the former firm.  It was realised that actual experience in use was the best test and the indenting officer had previously stated that Berger's paint had proved most suitable; also he had complained about a supply made by another firm.  It was considered desirable, therefore, to order the first instalment of 40 gallons, i.e., one-third of the requirements, from Messrs. Berger.
Ammonii carbonas B. P.	E-2646/3486, 16th July 1925.	Forbes, Abbott and Lennard, Ltd.	104 19 0	102 18 0	The question of the supply of the balance was referred to the indenting officer, together with a sample of the cheaper paint, and he, in reply, requested that Messrs. Berger's paint be supplied.
Serim . . .	E-2740/2082, 20th July 1925.	Albert Stockwell & Co. . .	734 12 8	713 0 0	The extra cost of inspection, if the order had been placed with the lowest tenderer, would have exceeded the difference between the two quotations.
Machines, tinamithe'	E-2747/4552, 21st July 1925.	Buck and Hickman, Ltd..	84 2 2	70 17 6 77 14 0 81 2 0	Messrs. Stockwell offered to supply 36" wide serim for £734-12-8 by 15th August and, alternatively, 36" material at a price equivalent to £7-3 for the same area for shipment in September or October. As the indenting officer required the serim in India without fail by 1st September it was necessary to accept the higher alternative.  Accepted on the ground of the superior value offered, as compared with the lower tenders, all of which were for lighter machines. The indent also specified that the stores were required to be Buck and Hickman's make or similar.

## PART B.—Cases in which the discrimination is between British firms only—contd.

Stores Ordered.	Contract Number.	Name of Contractor.	Amount of Contract.	Lowest Tender L.C.C. accepted.	Reason for acceptance.
Paper, carbon	E-30,916/27, 1st August 1925.	Pencarbon Co., Ltd.	£ s. d. 1,200 0 0	£ s. d. 840 0 0	Zanetik paper which is made by Pencarbon Co. only) was demanded in the indent, but competitive tenders for carbon paper were invited and, as a result, a tender for paper considered to be suitable was received at a much lower figure than that quoted by Pencarbon Co. Ltd. for Zanetik paper. Prices and samples were referred to the indenting officer and he, in reply, selected the Zanetik paper.
Cement, portland	E-26,730/77, 1st August 1925.	Cement Marketing Co., Ltd.	11,100 0 0	9,600 0 0	The indenting officer stated that the cement "must" be of British manufacture and "preferably one of the Associated Portland Cement Co.'s old established brands". Tenders for cement of British manufacture were called for by advertisement. The lowest tender was received from a British company. The tender of the Cement Marketing Co. (the selling organisation of the Associated Portland Cement Manufacturers, Ltd.) was next lowest at £11,100. The lowest tender was considered satisfactory, and this fact and the prices were telegraphed to the indenting officer who replied that, unless the India Store Department would take all risk of the cement not being satisfactory, only the Associated Company's brand should be sent. The Store Department would have been prepared to guarantee that cement accepted from the lowest tender was in strict accordance with the specification and had passed all tests, but obviously it could not assume the responsibility suggested by the indenting officer.
Safes, cash	E-3437/5179, August 1925.	25th Ratner Safe Co., Ltd.	75 14 0	72 13 0	Accepted on the ground of the superiority of the goods offered, which represented more than the small difference in price.

## PART B.—Cases in which the discrimination is between British firms only—contd.

Stores Ordered.	Contract Number.	Name of Contractor.	Amount of Contract.	Lower Tender not accepted.	Reason for acceptance.
Wheels and axles for trailers.	E-3551/5549. 4th September 1925.	Blake Boiler Wagon and Engineering Co., Ltd.	£ s. d. 97 10 9	£ s. d. 85 0 0	The lowest tenderer required 12—14 weeks for delivery, which would not meet the requirements stated in the indent, but that the stores were to reach India in November 1925. The order was placed therefore with the next lowest tenderer who offered to deliver four weeks earlier.
Crane	E-3682/6012. 14th September 1925.	Thomas Smith and Sons (Rodley), Ltd.	773 0 0	691 10 0	Accepted on the ground of the superior trustworthiness of the firm tendering. The frame for the Lloyd Barrage Scheme) was demanded by telegram for the earliest possible supply but not later than December 1935.
Snook apparatus	E-3693/4790. 14th September 1925.	Newton and Wright, Ltd.	399 11 6	383 6 0	The lowest technically suitable tender came from a firm which is seriously behind-hand with another crane for the same scheme. A complaint having been received from the Chief Engineer on the subject, it was obvious. It not advisable to place the order with that firm. The next lowest suitable tender was accepted.
Waistcoats, cardigan	E-3903/6207. 26th September 1925.	Bent and Watson, Ltd.	4,760 19 10 for 13,830 cardigans.	4,503 14 3	Messrs. Newton and Wright's goods were demanded by the Indenting Department. Technically suitable offers at prices lower than those quoted by Messrs. Newton and Wright were received, however, and the matter was referred to the indenting officer who, in reply, selected Messrs. Newton and Wright's offer. 27,080 cardigans were required urgently. The lowest suitable tender at £9,007-4-3 was from a British firm who offered to commence delivery in ten, completing in twenty-one, weeks. These times, however, would probably not be adhered to as the firm already held a contract for similar articles on which no delivery had been made.

## PART B.—Cases in which the discrimination is between British firms only—contd.

Stores Ordered.	Contract Number.	Name of Contractor.	Amount of Contract.	Lowest Tender not accepted.	Reason for acceptance.
			£ s. d.	£ s. d.	
X-Ray transformer	E-4672/3833, 7th October 1925.	Alfred E. Dean & Co.	625 0 0	444 10 0	The next lowest suitable offer was from Messrs. Bent and Watson who promised delivery of the whole quantity in 3 to 21 weeks.  In order to secure early supply the order was divided equally between the two firms, contract times for delivery for the portions allotted being—Bent and Watson 3 to 12 weeks, and the other contractor 10 to 15 weeks.  It was specified in the indent that the apparatus was "to be obtained from Messrs. Dean & Co." Competitive tenders were obtained and apparatus offered by another firm at a lower price (as shown) was considered by the Store Department to be technically suitable and equivalent to Dean's.  The indenting officer was communicated with, and he intimated that Dean's tender should be accepted as that firm's make was known to be satisfactory.
Puggaree cloth	E-4683/7629, 11th November 1925.  E-4634/7629, 11th November 1925.	A. Stockwell & Co.  E. Spinner & Co.	6,822 15 0  6,953 2 6	13,645 10 1	667,500 yards of puggaree cloth were demanded after quotations had been telegraphed to the Chief Controller of Stores, Indian Stores Department.  Delivery was very urgently required and with a view to securing the earliest possible delivery, the Chief Controller of Stores recommended that the order should not be confined to one firm; and it was therefore divided between the lowest two (suitable) tenders, the extra cost over the lowest tender being £190/7/6.
Polystat	E-4531/7039, 15th November 1925.	Alfred E. Dean & Co.	64 10 0	47 1 3	The indenting officer demanded apparatus specifying Messrs. A. E. Dean & Co. as suppliers. Competitive tenders were obtained and offers for equivalent apparatus were obtained at prices lower than Dean's.  The matter was referred to the indenting officer who replied that Messrs. Dean's tender should be accepted.

## PART B.—Cases in which the discrimination is between British firms only—concl.

Stores Ordered.	Contract Number.	Name of Contractor.	Amount of Contract.	Lowest Tender not accepted.	Reason for acceptance.
Thread, flax . . . . .	E-4554/7390, 20th November 1925.	William Barbour & Sons, Ltd.	£ s. d. 124 13 9	£ s. d. 123 4 7	Accepted on the ground of the quicker delivery offered. The thread was required in India immediately and the lowest tenderer required 7 weeks in which to complete supply.
Flannel, white . . . . .	E-5133/5403, 8th December 1925.	James Harper & Sons . . . . .	3,642 3 9		The flannel was required in India urgently and the lowest tenderer—Messrs. J. Harper & Sons—required 7 weeks to commence and 17 weeks to complete delivery.
	E-5134/5408, 8th December 1925.	John Smith (Mithrow), Ltd. . . . .	3,711 11 3 7,353 15 0	7,254 7 6	Messrs. J. Smith Mithrow, Limited—the next lowest—offered to commence supply in 5 weeks and to complete in 12 weeks. It was decided to divide the order equally between these two lowest tenders.
Sawn, circular . . . . .	E-5402/5793, 30th December 1925.	J. Beardsaw & Son, Ltd. . . . .	48 16 0	45 0 0	The saws offered by Beardsaw & Son, who are specialists, were better value for money.

## PART C.—Cases in which the discrimination is between Foreign firms only.

Stores Ordered.	Contract Number.	Name of Contractor.	Amount of Contract.	Lowest Tender not accepted.	Reason for acceptance.
Insulators . . . .	E-2936/4633, 29th July 1925.	W. F. Dennis & Co.	£ 2,000 0 0 (Germany.)	£ 2,000 0 0 (France.)	100,000 insulators were required to be shipped definitely not later than 20th November 1925.  The lowest tender was from P. E. Banting, Ltd., on behalf of a French firm of manufacturers, but their promised delivery for the whole quantity would have extended to the end of January 1926.  It was therefore necessary to divide the order. 60,000 insulators were ordered from Banting at £19-10-0 per 1,000, 50,000 of which are due for delivery by the end of November and the next lowest suitable offer (W. F. Dennis, German manufacture) was accepted for the remaining 40,000 at £21-0-1 per 1,000 for delivery by the end of October.
Arto boxes . . . .	E-3515/5030, 2nd September 1925.	A deBary	1,312 10 0 (Belgian.)	1,341 13 4 (Belgian.)	Accepted on account of the superior trustworthiness of the firm tendering.
Wheels and axles for carriages.	E-3519/5035, 5th September 1925.	Bochumer Verein	7,000 0 0 (German.)	7,575 0 0 (German.)  7,658 0 0 (German.)	The lowest tender at £7,575 was from a firm on whose work the Consulting Engineers had recently made an unfavourable report, and that at £7,658 was from a firm who had only just previously been heavily fined for delay in delivery.
Machine turret . . . .	E-3530/7220, 16th December 1925.	Leo. C. Stehle, Ltd.	\$ 2905.00 (about £311) (U. S. A.)	330 0 0 (U. S. A.)	The lowest tender was for a lathe different in design from that demanded, but apparently capable of doing the same work and comparable as regards dimensions, capacity, and weight.  The tenders were referred to the indenting officer, who selected the more expensive machine.

## RESOLUTION RE POSITION OF INDIANS IN SOUTH AFRICA.

**The Honourable Sir Alexander Muddiman** (Home Member): Sir, before you call on the Honourable Mr. Jinnah to move the Resolution\* which stands in his name, I crave your indulgence and the indulgence of this House to make a statement.

**Mr. President:** If the Honourable the Home Member desires to make a statement in connection with the question to be raised by the Resolution of Mr. Jinnah, I could not allow him to do so unless Mr. Jinnah agrees to such a course being adopted.

**Mr. M. A. Jinnah** (Bombay City: Muhammadan Urban): I am always glad to hear from the Government any statement that they may wish to make on the floor of this House as they so seldom do so.

**The Honourable Sir Alexander Muddiman:** I am glad that my request has met with Mr. Jinnah's approval, and I hope also the approval of the House.

Sir, my ground for asking leave to make a statement is that the matter which may come under the consideration of this House is one of the greatest importance on which I do not think there is any difference of opinion as to the object to be achieved on the part either of the Government or of any Member of this House, or of the people of India generally. I am at any rate convinced that, as regards the Mover of the Resolution his one object, I am sure, is to strengthen and not to weaken the hands of Government. Sir, I should like to make my own personal position in this matter as Leader of the House clear. In the first place the Resolution on the paper to-day, and the meeting of the Assembly to-day, is the

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\* "This Assembly recommends to the Governor General in Council that he will be pleased ;

- (a) to represent to the Government of the South African Union that the proposed legislation known as the Areas Reservation and Immigration Registration (Further Provision) Bill is wholly unacceptable in principle, it being unjust and inequitable and inconsistent with the rights of British citizenship, and further constitutes a distinct breach of the Gandhi-Smuts agreement of 1914 in that it is calculated not only to make the position of Indians in South Africa much worse than it was in 1914, but its provisions are designed to destroy vested rights and to make residence in that country of any self-respecting Indian impossible;
- (b) to make a further effort to induce the South African Union Government to agree to a round table conference consisting of, among others, Indian representatives to settle all grave outstanding matters in controversy between the said Government and Indians;
- (c) to represent to His Majesty's Government that in view of the extreme importance and urgency of the matter it should use its influence with the South African Union Government to bring about a round table conference for the said purpose;
- (d) to arrange if necessary for a deputation consisting of representatives of the two Houses of the Indian Legislature, the Government of India and also of Indians in South Africa to visit England and make necessary representations to the British Cabinet and Parliament;
- (e) to represent to the Imperial Government that in the event of the failure of any satisfactory settlement of the question and of the passing of the Areas Reservation and Immigration (Further Provision) Bill into law His Majesty's Government should advise His Majesty to disallow the said law."



fulfilment of a pledge I gave on the 28th January last. On that occasion, Sir, I said:

"The discussion of the motion and the amendment at this particular juncture will, in the considered opinion of the Government of India, prejudice the position in South Africa where negotiations are at a very difficult and critical stage."

Since then the matter was raised in the House of Lords on the 28th February, and Lord Olivier, in withdrawing his motion, made the following remarks to which I would draw the attention of this House:

"The steps which have been taken by the Viceroy, in consultation with the noble Earl, have certainly improved the situation in so far as they enabled the whole principle of the Bill to be again discussed, and after we know the result of those steps then, I entirely agree with the noble Earl, will be the time for us, if necessary, to press His Majesty's Government for any further disclosures of their policy or their intentions."

On that Lord Olivier withdrew his motion.

Now, Sir, the position with regard to the Select Committee which, as the House knows, is sitting in South Africa, is precisely the same as when the House of Lords postponed discussion. The Select Committee is still sitting and is still at the stage of hearing witnesses. Their report is not expected before the end of the month. The published correspondence shows that the Government of India have done everything in their power to represent the Indian case and to secure an acceptable settlement. I will ask the House to accept my assurance, though it is not necessary to do so as His Excellency has already spoken on the point—however, I renew the assurance that the Government of India will continue to spare no effort to secure that the Asiatic Bill is not proceeded with and to effect an acceptable settlement of the other points at issue. Of the eventual issue it is not possible to make any forecast, but of one thing I feel sure and that is that the discussion at this stage of certain clauses of the Resolution cannot be helpful and may seriously jeopardise any prospects there may still be of a satisfactory settlement. I am confident that no Member of this House, and certainly not the Member in whose name the Resolution stands, will desire to contribute to such a result by any action on his part, and therefore I ask him, after hearing my statement, not to make his motion.

**Mr. M. A. Jinnah:** Sir, I have listened to the statement made by the Honourable the Leader of the House on behalf of Government. I fully realise the situation that is facing us at the present moment. On the 17th of February 1926 Dr. Malan, the Minister in charge of this Bill in the South African Union Parliament, stated as follows:

"So far we had turned down two very important requests of the Government of India, and under these circumstances we realise that the feeling was springing up in India, and also among the Indian community in South Africa, that we were forcing through this most important legislation in which they were so vitally concerned, not only against the will of the Indian community and the will of the Government of India, but forcing it through without giving them any proper opportunity of laying the case of the Indians before the Government of the country and before the Legislature."

From this it will be obvious that the South African Government have realised the intensity of feeling not only in this country amongst all sections of the people but also the intensity of feeling of the Indians in South Africa, whose vested rights are in jeopardy if this measure is passed. Sir, he further proceeded to say:

"We felt that it was only right to attach certain conditions and safeguards. We felt it was necessary to do this."

[Mr. M. A. Jinnah.]

—(that is, the course that they adopted)—

"because this was under the circumstances prevailing in South Africa and this House an unusual procedure (the unusual procedure being that the order to move the second reading of the Bill was discharged and a Select Committee was appointed."

And further he recognised that the Government of India had taken up a very clear and precise position, and in his own words he says:

"We fully recognise that our proposals"

—(that is, the Government of India's telegram)—

"have been given the fullest consideration, and we further understand that the offer now made to us involves departure from the normal parliamentary practice and procedure. We see in it another proof of the desire on the part of your Ministers to find a solution of this problem."

The telegram added that the Government of India accept the offer to let the Bill go to the Select Committee before the second reading and noted with satisfaction that the terms of reference would be sufficiently wide so include the principle of the Bill. They assume that the representatives of Indian opinion in South Africa would have an opportunity of presenting their claims which they felt sure the Union Government would agree would not fail to assist the Committee enormously in their task.

Now, Sir, I fully recognise that that Select Committee has not concluded its labours, that it has not yet made its report and, to put it in legal language, the matter therefore is *sub judice*. And, Sir, nothing is further from my mind than to weaken the Government of India or their position in relation to the negotiations which are going on, and I shall be the last person who by doing it might enable the Government of India to say that because of your actions we lost this battle which is a forlorn hope in my opinion, if for no other reason, for one reason alone, that we on this side would not like to come in for the slightest blame by doing anything which might be said to have frustrated the object we have had in view. Therefore, I am in the very difficult and delicate position, and I have no desire to move this Resolution at this moment. But I would draw the attention of the Government to one fact, and that is that Dr. Malan, in this very speech of his which I have read, says that this piece of legislation must go through before the end of the Session of the Union Parliament, which is about the end of May. Supposing the Government of India, who are doing their utmost—and I recognise that there is complete agreement between them and us—fail and this Bill is passed through before the end of the Session, where shall we stand? This Legislature will be deprived of the opportunity of pressing its opinion and making the recommendations, particularly the last recommendation which is contained in my Resolution. This is a matter of the most vital importance; you know the intensity of feeling throughout the country. I would therefore request the Government that in this matter, they should go to the length of calling a special Session of this Assembly, if necessary, at an early date and give this Legislature an opportunity of then recording its opinion and supporting them further in the event of there being a disaster. (Applause.)

**The Honourable Sir Alexander Muddiman:** Sir, I recognise that my friend has adopted what I think this House will consider a statesmanlike course in the action he has taken, and I thank him on behalf of the

Government, but more on behalf of the Indians whose interests might otherwise have been seriously prejudiced. I notice he has referred to the negotiations and has feared an ill issue; on that it would be improper for me at this moment to express an opinion, though I myself think that if one goes into negotiations with a defeatist feeling it is likely to lead to defeat. I, though not very optimistic, am perhaps slightly more optimistic than he is.

In regard to a special Session in the event of things going wrong, it is not open to me to make any pronouncement because, as my Honourable friend well knows, the calling of the Session rests with the Governor General, and it will rest with a Governor General who is not yet even in the country; but I can promise that this debate will be laid before him at an early date on his arrival.

**Mr. President:** Before I adjourn the House, I should like to remind the Honourable Members that they are required to be present in this Chamber to-morrow morning at 11 o'clock, when His Excellency the Governor General desires to address the Indian Legislature.

I adjourn the House *sine die*.

The Assembly then adjourned *sine die*.



## LEGISLATIVE ASSEMBLY.

*Thursday, 25th March, 1926.*

### FAREWELL SPEECH DELIVERED TO THE COUNCIL OF STATE AND THE LEGISLATIVE ASSEMBLY BY HIS EXCELLENCY THE VICEROY.

His Excellency the Viceroy having arrived in procession with the Presidents of the Council of State and the Legislative Assembly took his seat on the Dais at Eleven of the Clock.

**His Excellency the Viceroy:** I have come to address you for the last time, to bid you a very regretful farewell. The Session is almost at its end; in a few days I shall say good-bye to this historic city, to wonderful India, and to the responsible position I have held during the last five years. The period of the Viceroyalty is but a very brief span in the life of India, yet these last five years have, I believe, a significance, which may not be fully appreciated until events have fallen with the lapse of time into their true perspective, and the relative importance attributable to incidents that have loomed large on our horizon has been duly weighed and recorded. It may, and I hope will, be chronicled by the historian that the foundation of responsible self-government in India was well and truly laid during this period, although it may be that some who were actively engaged in the operation chafed at what they regarded as the slow rate of progress and grumbled because they were not permitted to place the crowning dome on the edifice before the base had been made capable of supporting it. During these years since the inauguration of the Reforms we have travelled together—for you are aware that the Governor General is a component part of this Legislature—along new and hitherto untrodden paths, often hindered by obstacles and beset with difficulties, and in the earlier days not infrequently within the sound of raging tempests without. We have not always been in agreement, indeed this was scarcely to be expected. Sometimes there have been sharp conflicts. Occasionally I have felt bound to exercise the special powers vested in the Governor General. However strongly some may have criticised these actions, I feel sure you will not have doubted that they were dictated solely by my conception of the solemn duties entrusted to me. I have myself never failed to recognise that the differences between myself or my Government and Members of the Assembly have arisen from honest divergences of opinion mainly as to the methods to be pursued and as to the time of advance in the constitutional domain. There has been no difference in purpose; we have striven to attain the same end, the prosperity and happiness of India.

The sands of my office are running out, and I do not wish to dwell unduly to-day on our points of difference: rather would I concentrate upon

[H. E. the Viceroy.]

our points of agreement, which have been far more numerous and have led to results of greater importance than are perhaps always acknowledged in the turmoil of political controversy and agitation.

I came to India with a special mandate to guide the working of the Reforms, in which I took keen personal interest. During the whole period of my office my labours have been largely devoted to carrying out this policy, and my energies have been to a great extent concentrated on this question. Many problems of Commerce and Industry, of Finance and Economics, of Railway Development, Tariffs and other subjects of vast importance to India have also engaged my attention. I have had opportunities of surveying these fields of activities; my purpose to-day is to refer very briefly to a different sphere of activity of wide importance to India and of special interest to the Legislatures. As I am addressing you for the last time, when the reins of my office are about to be transferred to my successor, I shall make but few observations on the political situation. I have striven throughout to place my views clearly before you in order to remove possible misconceptions regarding the objects I had in mind, and to acquaint you with the course along which I desired to steer the Ship of State; to-day I shall refer only to a few aspects of the political problems.

Although much attention is constantly devoted in India to political and constitutional change, I am often inclined to think that the great importance attributed to the Reforms in England at the time of their inauguration and subsequently is not sufficiently realised in India. The Reforms initiated in the first place a new departure in the relations between England and India; they put India on the road to the realisation of more complete unity and higher national self-expression. In the language of His Majesty the King-Emperor the new Constitution took its place "among the great historic measures passed by the Parliament for the better government of India and the greater contentment of her people". His Royal Highness the Duke of Connaught arrived in India with a special message of sympathy and encouragement from His Majesty to inaugurate the new Legislatures, and in His Majesty's charge to me as Viceroy and Governor General a month later the following special instructions regarding the working of the Reformed Constitution were embodied: "*For above all things it is Our Will and Pleasure that the plans laid by Our Parliament for the progressive realisation of responsible government in British India as an integral part of Our Empire may come to fruition to the end that British India may attain its due place among Our Dominions*". The execution of these instructions has been a solemn obligation upon me during these five years; with full cognisance of the importance and implication of this policy, I have omitted no step which was likely, in my view, to conduce to its successful realisation. In my efforts I have had the support and encouragement of His Majesty's Government, and though I have been associated with five Prime Ministers and four Secretaries of State for India during my term of office, there has at no time during that period been any change in the main stream of this policy. There has been no desire to divert it from its channel or to alter its course; the goal of British policy remains to-day, subject to the fulfilment of the essential conditions by India, what it was when I assumed my office, that is, "the progressive realisation of responsible government in India as an integral

part of the British Empire". I have recalled these considerations to you in order to emphasise that the policy of His Majesty's Government is definite and stable. It has not changed with successive Governments; in this respect it will not change with successive Viceroys, for my distinguished successor, Lord Irwin, prior to his departure stated that it would be his endeavour to forward whole-heartedly the advancement of India towards full self-government on constitutional lines. Nevertheless, looked at merely from the Indian point of view, the great significance of the Reforms is still at times misunderstood or underrated. Yet they give what India never had before—a guarantee by Parliament for her political progress. They open the door to the attainment of a new national status and dignity; they give an opportunity not offered before to enter into more intimate relations with England and the Empire and enable India gradually to build up her own responsible institutions within the Commonwealth of nations forming the Empire. I lay emphasis on all these considerations to-day, because as the result of my five years intimate connection with India, I have learnt to place a greater value on the new Constitution than when I first set out from Home. I am aware that it is said that the inspiration of the policy finds its origin in democratic institutions which are especially British in character and cannot be applied to India. But Indians will be the first to assert that these ideals during a long association with British rule have become ingrained in the minds of Indians as among the essentials of national progress. No useful purpose would be served by disguising from ourselves that there are inherent difficulties in adapting British democratic institutions to Indian conditions, but these must be confronted by India and her political leaders. The essential principle underlying English institutions is based on a fundamental unity of sentiment and on a general desire, in issues of cardinal importance, to waive the claims of individual or sectional advantage for the benefit of the common weal. India's internal conditions are not naturally conducive to solidarity. People by different races with separate historical antecedents and conflicting ideals of culture India possesses various elements which do not tend towards unity. Sharp inequalities of development in education and civilization divide men: creeds and castes tend to separative influences. The administrative problems are not less complex; but I shall not pursue the enumeration of difficulties. My purpose in referring to them is to emphasise again that they cannot be relegated into the background; they cannot be disregarded, they force themselves in India at every turn to the forefront. Communal differences have become more acute as all India knows. I need not elaborate them. I mention them because they loom large in India and they are not merely superficial. They have their roots deeply entrenched and will not easily be extirpated. All thoughtful men in India realise the situation; it would be idle to attempt to refer even cursorily to the political conditions of India without mention of it.—but there to-day I must leave this momentous problem in the hope that Indian patriotism and Indian intellect will help to find a solution.

Now, when my return to England is imminent, and I have given long and deep reflection to the position of India under the new Constitution, I have felt it incumbent upon me to state my views to you, to offer them in the friendliest spirit and with the purpose of securing your whole-hearted good-will and co-operation in the administration. I am not for one moment suggesting that the Constitution in its present form is perfect

[H. E. the Viceroy.]

and that it will not require revision and amendment and adaptation to conditions in new developments. This will form the subject of a great and momentous inquiry at a later date. The necessary conditions to ensure its appointment earlier than the statutory date have been too frequently stated by me and my Government to need repetition. Even so my observations are constantly misunderstood notwithstanding that I have been at pains to correct misinterpretations. In particular, I desire to emphasise that I have never required complete or abject surrender of any political party or section. I earnestly trust that my successor may be more fortunate than I in this respect and that he may find in the new regime that clear and unambiguous expression of good-will and desire for harmonious relations which I have sought to obtain.

Unfortunately the years immediately following the introduction of the Reforms could hardly have been more unfavourable to their growth. A ferment of unsettlement of feeling was at work in India as elsewhere in the world. Besides these developments India's finances were crippled; her trade and commerce were enveloped in a heavy cloud of economic stagnation; a great section of the Indian people were also troubled regarding the fortunes of an Empire closely associated with their most precious religious sentiments and beliefs. These conditions caused the acutest anxiety to me and my Government, and throughout these early years, in addition to the heavy burden of developing the new Constitution we were faced with the constant necessity of dealing with a succession of critical developments, which not only impeded the working of the Reforms, but menaced at one time their very existence. It is freely and fully acknowledged that there is a great change in the present atmosphere; peace reigns on our borders; internal disturbances have been set at rest; law and order have been vindicated and established; the financial situation has been stabilised with beneficent reactions on the nation-building activities of the Reformed Constitution; conditions have been created which give fair prospect for trade and commerce in the development of India's resources; the anxieties of the Indian Moslem population have been allayed. Looking back over these early years I again gladly acknowledge the support given by the Indian Legislature to the Government in many important steps taken in critical situations.

I have had one other purpose in mind in making this brief summary. Quite recently Lord Irwin in a generous reference to myself claimed that credit should be given to the Viceroy when the results of his administration were deemed satisfactory. I will add that, if credit is to be attributed to me in any degree for any of these results, it should in fairness be very fully shared by those associated with me in the heavy burdens of the Government of India. No Viceroy can possibly have received more loyal and devoted service than I during these five years in which it has been my good fortune to have the great advantage of most skilled and capable assistance, not only from the Members of my Council, but also from those who have otherwise been called upon to contribute to the administration.

And now let me abandon political discussion, and for a brief moment turn to personal considerations. Throughout my address to you to-day the sad reflection dominates my mind that it is the last of these occasions. I should not be human if I could remain unmoved in the face of my impending departure from India. The memories of these years will always be



treasured by me: I cannot refer to them without associating Her Excellency in these expressions of profound regret at departure. For the moment all controversies are forgotten. I think only of the many acts of thoughtful kindness and sympathetic friendship throughout our stay in India. Inevitably my thoughts turn to the generous assistance Her Excellency and I have invariably received from India from Members of the Legislature and from all classes of the public in our labours in the cause of suffering humanity. Her Excellency with the true instinct of woman and mother has made this her special avocation, and I know that she leaves grateful hearts behind her.

While I have been in India I have always striven to labour for her best interests. I have regarded myself as a link with her imperial connection charged with a mission to advance her greater destinies. I have kept an impartial mind, free from the trammels of parties or interests and fully pledged to the implications of her particular institutions. I may not have always succeeded, for human effort has its limitations; but believe me that to the best of my ability I have never fallen short in sympathy for India or desire to serve her. I take away most kindly recollections of her and she will always be in my thoughts. It is in this light that I would wish to dwell in your hearts also—as one who did his best to serve India.



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